

MEETING

NAVAL WEAPONS STATION

SEAL BEACH DETACHMENT CONCORD

RESTORATION ADVISORY BOARD

AMBROSE COMMUNITY CENTER

3105 WILLOW PASS ROAD

BAY POINT, CALIFORNIA

MONDAY, NOVEMBER 4, 2002

7:00 P.M.

JAMES F. PETERS, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

ADVISORY BOARD MEMBERS

Marcus O'Connell, Community Co-Chairperson

Theresa Morley, Naval Co-Chairperson

David Baillie, US Navy

Evelyn Freitas, Resident

David Griffith, City of Concord

Mary Louise-Williams, Concord Resident

Ed McGee, Resident

Laurent, Meillier, Regional Water Quality Control Board

Mario Menesini, Walnut Creek Resident

Jim Pinasco

Philip Ramsey, EPA Remedial Project Manager

Patricia Ryan, DTSC

Gil Rivera, US Navy

Tony Tactay, EFA West Navy

Gay Tanasescu, Bay Point Resident

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CO-CHAIRPERSON O'CONNELL: We'll call the meeting to order.

I could go into the purpose why we're here, but I think we all have been to it so many times, I won't go over it again. And I see only familiar faces here.

So we usually start with introductions, basically for the record. And my name is Marcus O'Connell, the Community Co-Chair.

And I'll go around to my left. And if we'll introduce ourselves around, then out to the audience and back again.

ADVISORY BOARD MEMBER BAILLIE: Thank you. Good evening. My name is David Baillie. I'm the Environmental Manager of the Naval Weapons Station Seal Beach.

ADVISORY BOARD MEMBER FREITAS: Did you say to the left or this left?

Evelyn Freitas, Concord resident.

ADVISORY BOARD MEMBER WILLIAMS: Mary Lou Williams, Concord resident.

ADVISORY BOARD MEMBER MCGEE: Ed McGee, Martinez resident.

ADVISORY BOARD MEMBER GRIFFITH: David Griffith, City of Concord.

ADVISORY BOARD MEMBER RYAN: Patricia Ryan,

1 California State Department of Toxic Substances Control.

2 MR. COOPER: David Cooper, the U.S. Environmental
3 Protection Agency.

4 MS. FLEMMING: Cynthia Flemming, Navy.

5 MR. FREITAS: Tom Freitas, Concord resident.

6 MR. ANDAL: Amado Andal, Weston.

7 MS. ALTAMIRANO: Claudette Altamirano, Weston.

8 MS. BAUMGARTNER: Helen Baumgartner, Concord
9 resident.

10 MR. BYRNE: Harry Byrne, Concord resident.

11 ADVISORY BOARD MEMBER TACTAY: I'm Tony Tactay,
12 environmental engineer for EFA West.

13 ADVISORY BOARD MEMBER RIVERA: Gil Rivera, the
14 Navy Remedial Project Manager, Daly City.

15 ADVISORY BOARD MEMBER RAMSEY: Good evening. I'm
16 Phil Ramsey with the United States Environmental
17 Protection Agency. I'm a project manager.

18 ADVISORY BOARD MEMBER MEILLIER: Good evening.
19 I'm Laurent Meillier with the Regional Water Quality
20 Control Board.

21 ADVISORY BOARD MEMBER TANASESCU: Gay Tanasescu,
22 a Bay Point resident.

23 CO-CHAIRPERSON MORLEY: Theresa Morley, Navy
24 Co-Chair.

25 CO-CHAIRPERSON O'CONNELL: Okay. With that,

1 we'll move on to public comment, which is -- Mario.

2 ADVISORY BOARD MEMBER MENESINI: Good to be with
3 you.

4 I'm Mario Menesini. I'm a Walnut Creek resident,
5 as well as President of the Sanitation Board.

6 CO-CHAIRPERSON O'CONNELL: This is Mario's first
7 meeting. He's a new member. We won't put him on the
8 spot, but we'll do that later.

9 CO-CHAIRPERSON MORLEY: Second half of the RAB.

10 CO-CHAIRPERSON O'CONNELL: So we'll start off the
11 public comment. This public comment is basically for
12 anything that's not on tonight's agenda, for comments of a
13 general nature.

14 Is there any?

15 ADVISORY BOARD MEMBER FREITAS: Yes.

16 CO-CHAIRPERSON O'CONNELL: Okay. Evelyn.

17 ADVISORY BOARD MEMBER FREITAS: I have two
18 things.

19 One, I would like to see -- I've already talked
20 to Greg Smith today, but I'd like a formal request, and I
21 could make a formal letter, that on the properties that
22 Concord is asking to lease, that we have an overlay map
23 that shows not only what the plain shows, but also -- I
24 have an older map that shows some of the buildings. It
25 looks like quite a few buildings along the edge and

1 different -- I'd like to have all of the archives, all the
2 buildings, all the canals, all the drains, everything, the
3 streets, everything labeled in so that when we look at it,
4 we're actually looking at a map and not just a blank piece
5 of paper, so that we have a better idea.

6 I know that we're not supposed to be really
7 commenting on the land use. But I think if we're going to
8 work as a RAB and we're responsible for making comments to
9 make sure that things are clean to the highest possible
10 level, then I think we should be putting our input into
11 this. And, you know, people are going to be trusting us
12 to make some of these comments also. And I don't think
13 this has gotten out to the public enough and we've had
14 public comment. And I don't think we have had a chance to
15 really look at some of the buildings and things in that
16 area.

17 And my second comment is: I thought Theresa had
18 said that "22" was going to be on here, because I invited
19 some of the Dana Estates. Is that --

20 CO-CHAIRPERSON MORLEY: It's going to be in Gil's
21 RPM update.

22 ADVISORY BOARD MEMBER FREITAS: Okay, but I'd
23 also like to request on the record having a tour for the
24 Dana Estates, some new members, for Site 22. And if the
25 date for the remedial investigation does not meet within

1 30 or 60 days, I'd like to have an extension so that the
2 Dana Estates groups and the groups around the surrounding
3 area, you have enough time to contact them and letters go
4 out to those people.

5 CO-CHAIRPERSON MORLEY: I contacted EFA West, and
6 we are going to take money from another contract to make
7 sure that you guys can have that separate meeting on Site
8 22 and a site tour for the new members. So if you would
9 like to -- I think Joe and I are going to head that up,
10 right? Maybe get together with everybody and see what
11 dates there are available. Maybe a Saturday, I think you
12 guys said before was best.

13 ADVISORY BOARD MEMBER FREITAS: Okay. Thank you.

14 CO-CHAIRPERSON MORLEY: Okay. And I need
15 clarification on your first comment. You want a base map
16 that has all the buildings and roads to show the proposed
17 joint use or the IR sites?

18 ADVISORY BOARD MEMBER FREITAS: All the IR sites.

19 CO-CHAIRPERSON MORLEY: All the IR sites, but
20 having the roads and buildings on it?

21 ADVISORY BOARD MEMBER FREITAS: Not only the
22 buildings, but the underground storage tanks, having
23 little squares and what tanks they were. Because I'm
24 trying to do this on my own now, and the -- I have the
25 underground storage tanks and I have the storm-water

1 management plan. And I'm trying to overlay these, and
2 it's really a job. And I would think the Navy would have
3 something more simplified that they could give us to
4 overlay and work on one map.

5 CO-CHAIRPERSON MORLEY: It probably won't be all
6 on one map because if it was in that level of detail, we
7 wouldn't be able to read it, so it'll probably be
8 sections.

9 ADVISORY BOARD MEMBER FREITAS: But if you could
10 make it so that it actually fits. Overlay it on to
11 something it actually fits over the overlay.

12 CO-CHAIRPERSON MORLEY: Right. But what I'm
13 saying is like maybe there will be, you know, six
14 different sections. And this section will be the west end
15 of the inland area. And it will have the roads and the
16 buildings and --

17 ADVISORY BOARD MEMBER FREITAS: Yeah, that's
18 fine.

19 ADVISORY BOARD MEMBER BAILLIE: A couple comments
20 I need to -- one is a question, I think, and the other one
21 is a comment.

22 You're interested in, Evelyn, the entire IR
23 program, the entire base, not just -- you're not just
24 talking about joint use.

25 ADVISORY BOARD MEMBER FREITAS: Right.

1 ADVISORY BOARD MEMBER BAILLIE: And certainly we
2 can share that information. I just -- technically it may
3 be difficult to get all that overlaid and on to one, you
4 know, map or even if you did it in sections. So we need
5 to look at what's possible. Probably on a site-by-site
6 basis, I would imagine, that we've got that consolidated.
7 But the basis -- my point is, the bases are not
8 consolidated like -- GIS map system has all this in one
9 place that you can go to informally. But we'll put
10 together what is available and do the best job possible.

11 The second thing, however, is that -- and I know
12 a lot of this information is already released in documents
13 and so on. But the post-911 environment we have been
14 directed by security and public affairs that whatever we
15 release needs to be, you know, cleared with them. So
16 we'll also check on that and to make sure there's no
17 issues with some of the information. What's -- in a
18 sense -- like location magazines and stuff, you know.

19 CO-CHAIRPERSON MORLEY: I think you can release
20 it to the public. You just can't put it on our web site.

21 ADVISORY BOARD MEMBER BAILLIE: Right. I mean
22 that's one of the rules, yeah. So just make people aware
23 of that. And we'll do everything we can.

24 MS. CANEPA: I just wanted to add the draft
25 remedial investigation for Site 2 is due in mid-February.

1 So I think there would be time to do the site tour before
2 then.

3 CO-CHAIRPERSON MORLEY: Okay.

4 ADVISORY BOARD MEMBER RAMSEY: Theresa, what I
5 was just going to suggest -- I'm not sure if everyone --
6 if the RAB members want to spend the time just focused on
7 Site 22. Because what I was going to suggest was with the
8 new RAB members perhaps people would want to do a kind of
9 a base-wide tour again. It's been some time. So it takes
10 a lot of effort to go out and see one -- just one IR site.

11 CO-CHAIRPERSON O'CONNELL: I think a grand tour
12 would be a good thing. The new members need a grand tour
13 of the base.

14 ADVISORY BOARD MEMBER FREITAS: Maybe we could
15 have a stop-off in case some of the residents in -- and
16 I'm not sure I can speak for everybody -- but if Dana
17 Estates or some of the others didn't want to go on an
18 entire tour, we could have a stop-off point, you know, a
19 break in between. And then they didn't have to continue
20 if they didn't feel -- maybe we could do it that way. We
21 could do an all-day tour. But I think that's a good idea.

22 CO-CHAIRPERSON O'CONNELL: Any other public
23 comment.

24 I agree with you, Evelyn, that we need some
25 information about this 154 acres that Concord is trying to

1 get -- at least a significant make up.

2 I think we need to recognize it certainly under
3 CERCLA under the federal regulations and under the Federal
4 Facilities Agreement the cover the base. They even sent
5 an E-mail out that said at the beginning that a directed
6 study committee is doing an environmental baseline survey
7 of the base currently. And we haven't interfaced with
8 them at all. And we've asked on numerous occasions to
9 have a presentation or to contact them so that we can
10 interact. And it's --

11 MS. BAUMGARTNER: Can you speak louder so that we
12 can hear?

13 CO-CHAIRPERSON O'CONNELL: Okay. It is clearly
14 within our purview to deal with a directed study committee
15 on this environmental baseline survey.

16 So I guess perhaps on the agenda for the next
17 meeting, or maybe we can do this off line -- we need to
18 get them here at the table, at least for a discussion, or
19 we need to be at their table. They're having a meeting,
20 tentatively now, December 4, in Martinez. And we can show
21 up of course there and, you know, introduce ourselves, if
22 necessary, or we can wait until they come to us. But, you
23 know, however we want to work it.

24 With that I guess we move on to the next item.

25 That's your chair for that, I think.

1 CO-CHAIRPERSON MORLEY: Thanks a lot.

2 I guess we won't be approving the October 7th
3 meeting transcripts since we just received them tonight.

4 My apologies and also his apologies. I guess you
5 had a lot of things going on. You kind of explained that.
6 And we're sorry that we just got to them tonight. And
7 we'll table that till the next meeting.

8 And he promised two weeks next time.

9 Okay. With that, Gil, did you want to start on
10 your remedial project managers' report?

11 ADVISORY BOARD MEMBER RIVERA: Yes. I'd like to
12 present the Navy remedial project managers' report for the
13 month of October.

14 This is a summary report of the intercoordination
15 between the federal and state agencies and the Navy with
16 respect to some of the projects that we're working on the
17 site, and also an update on the projects that we're
18 working on at the present time at the Naval Weapons
19 Station Concord.

20 I'd like to start out with the first bullet
21 there. If you look, it was part of your handout package.
22 There's, I believe, two or three pages. The handout is
23 entitled "Navy Remedial Project Managers Report."

24 First item is IRP Site 22 fieldwork. The Site 22
25 fieldwork -- it's kind of hard to look at the map. But if

1 someone can point out Site 22, it's in the inland area
2 along the border of the facility there, if you can look at
3 the site map there.

4 The site work was slated for the 21st and 22nd
5 of October. It went exceedingly well and was completed on
6 the 21st of October.

7 Just as a recap for this site, the intent of the
8 supplemental sampling was an effort to take samples to
9 reach a determination on whether the arsenic that is of
10 concern on the site was anthropogenic; that is, is it
11 there caused by the effects of man, whatever the case may
12 be? Or was it naturally occurring?

13 So we sampled 14 different sites, sampled at
14 three depths at each site. And when that data comes back,
15 we'll be able to make a determination as to -- hopefully
16 make a determination as to whether the arsenic that's
17 present on the site is, as I stated, anthropogenic or
18 naturally occurring.

19 One thing I'd like to mention. The one high hit
20 of arsenic that we did previously find at this particular
21 site was at 10 feet below ground surface. So it's more
22 than likely that it is an anthropogenic source. But we
23 need to confirm that by accomplishing the sampling.

24 Part of the sampling, we also looked for iron,
25 magnesium, and antimony. We looked for those because if

1 you find arsenic in the presence of those three particular
2 metals, and others, there's a strong correlation with
3 naturally occurring presence of arsenic.

4 So, as I stated, you know, once we get this data
5 back, we'll be able to have a better understanding of
6 what's going on in the site.

7 And, in addition, we'll combine this data with
8 previously acquired data. And we'll do a human health
9 risk assessment and an ecological risk assessment on the
10 site.

11 Next bullet is the --

12 CO-CHAIRPERSON O'CONNELL: Did you plan to check
13 groundwater off site? We've talked -- it's come up here
14 before that people have wells that they are drinking water
15 from -- they get their drinking water from close to that
16 site. And has there been any attempt to do any
17 groundwater sampling there?

18 ADVISORY BOARD MEMBER RIVERA: I don't recall
19 presently.

20 Do you remember?

21 MS. CANEPA: The previous groundwater sampling at
22 the site was focused on organic contaminants because the
23 building that the site is centered around was a
24 missile-wing fin repair facility. So it's more paints and
25 things like that. So the groundwater has been

1 characterized for arsenic.

2 And arsenic that we're observing in soil, we've
3 seen it at the surface and at 10 feet. And groundwater
4 depths are 25 to 30 feet, so we don't expect that it would
5 be in groundwater.

6 ADVISORY BOARD MEMBER FREITAS: I'd like to add
7 one thing too, Gil, that I've been -- I was sent a formal
8 letter because I want this in the record too, is that the
9 outfall for that area was deleted from monitoring in
10 around '94. And with some of the material that I've read
11 on the first RI, I think it was, they decided not to check
12 the groundwater, I believe it was, up above or in the
13 higher area.

14 But I think it needs to be -- and I won't take up
15 a lot of time. I just think it needs to be -- there needs
16 to be more of an open space area of where they're checking
17 for the groundwater and the soil. I don't think they're
18 doing a good enough job out in that area, especially since
19 they have Concord High School and Dana Estates residents.
20 And I'm not sure what the other area is on the other side,
21 what that's called, but I think that that must go around
22 because my husband did take some pictures from the
23 backside of -- and pass that around if anybody's
24 interested. But that's something that's a concern of
25 mine, that that storm water was not being checked and

1 there were contaminants being dumped into that.

2 ADVISORY BOARD MEMBER BAILLIE: I'm sorry,
3 Evelyn. Is your comment regarding that storm water is no
4 longer being monitored or is it your comment that some
5 sampling through the program was --

6 ADVISORY BOARD MEMBER FREITAS: Well, actually --

7 ADVISORY BOARD MEMBER BAILLIE: I just want to be
8 clear on where the concern is.

9 ADVISORY BOARD MEMBER FREITAS: The storm water,
10 I guess when it -- I'm not an expert on this, so I don't
11 know. I guess when it overflows or whatever, when it
12 doesn't -- when it overflows in the drain, then it
13 actually goes off into other areas and it's discharging --
14 actually some of the areas it showed were discharging off
15 like into the ground and into the canal, into the
16 southwest canal, I think it was, southwest of the
17 property. As I say -- southwest of Seal Creek. This does
18 not -- drainage area -- I'll write this up so that you
19 have this.

20 ADVISORY BOARD MEMBER BAILLIE: Yeah, give us
21 details on --

22 ADVISORY BOARD MEMBER FREITAS: But what it's
23 saying is that the overflow goes into the grassy area
24 pools or goes off into other areas.

25 And so I think we need to look at the whole

1 picture, especially since that's so closely fenced up into
2 the Dana Estates area.

3 ADVISORY BOARD MEMBER RIVERA: Yeah, sorry. It's
4 not recordable, I acknowledge. The other comments made by
5 Evelyn Freitas, we'll take that into consideration.

6 Next item on the report is the Site Management
7 Plan or the SMP. The Navy and the agencies coord -- the
8 agencies, in particular, U.S. EPA, coordinated on three
9 different occasions via conference call regarding the site
10 management plan as it pertains to the litigation area
11 sites. More specifically, the remedial action Subsites 1
12 and 3.

13 The Navy and EPA jointly agreed that this is a
14 high value wetland and that these particular sites are of
15 great or primary interest.

16 The Navy and U.S. EPA agreed to conduct data gap
17 sampling on these sites as well as conduct a supplemental
18 feasibility study.

19 The schedule was put together by Navy and
20 submitted to the agencies, initially thinking that we
21 would be able to conduct the data gap sampling and
22 analysis in parallel with the feasibility study.

23 In retrospect, the Navy looked at that particular
24 schedule and made a determination that the data that would
25 be acquired in the data gap sampling would feed into the

1 feasibility study. So the data gap sampling analysis
2 could not be conducted exactly parallel.

3 So the Navy adjusted -- in discussion with U.S.
4 EPA, the Navy adjusted the schedule so there is an
5 overlap. They're not running exactly parallel to one --
6 the feasibility study does begin when we provide the draft
7 data gap sampling report. In addition, there were other
8 modifications made to that particular schedule.

9 The agencies had requested that the Navy include
10 decision documents in the RAF's 1 and 3 schedule. We did
11 in fact add the decision documents, proposed plan, and
12 Record of Decision in particular, and we provided
13 schedules for those.

14 At the third conference call the schedule was in
15 fact briefed to U.S. EPA, to Phillip Ramsey, and we did in
16 fact reach a tentative agreement on the Site Management
17 Plan.

18 Part of your handout materials tonight include
19 the Site Management Plan. And if you don't have one,
20 please pick one up at the table in the rear of the room
21 there.

22 And we will place copies of the Site Management
23 Plan in the information repository -- or at the
24 information repository for people wishing to pick up a
25 copy for their own use.

1 The EPA will have to correspond with the Navy
2 officially, providing us with a formal letter stating that
3 they accept or approve of the Site Management Plan, and
4 that will be forthcoming once EPA has an opportunity to
5 take a closer look at those schedules.

6 CO-CHAIRPERSON O'CONNELL: So this is a draft
7 essentially, or is it pretty much a done deal?

8 ADVISORY BOARD MEMBER RAMSEY: We've had -- as
9 Gil said, we're down to a couple issues regarding the
10 schedule, Marcus. And the Navy complied, we're in
11 agreement. We gave them a preliminary thumbs up to go
12 ahead and produce these, provide them to the RAB and to
13 the public. We will be writing a letter. And we just
14 want to make sure everything's all in order. But I don't
15 anticipate anything. So we want to let folks know we're
16 generally in acceptance with these schedules, anticipating
17 to move the letter forward.

18 ADVISORY BOARD MEMBER RIVERA: Any other
19 questions on the Site Management Plan?

20 Next item would be the Installation Restoration
21 Program Site 1 Record of Decision Resolution Meeting.

22 This particular meeting has been scheduled three
23 times due to the fact that all staff weren't available
24 both for the agencies and for Navy. We finally did arrive
25 at November 6th for the meeting that will be held at the

1 Tetra Tech offices in San Francisco.

2 The major item of resolution here would be
3 looking at the applicable, relevant, and appropriate
4 requirements for the Record of Decision. And, in fact,
5 these are the laws that the Navy has to comply with in the
6 design for the this particular site.

7 We have also been asked to provide technical
8 support at this particular meeting, that we have our
9 geotechnical engineers at the meeting, and Navy will have
10 their Navy engineers, Navy geotechnical engineers at this
11 meeting, primarily to discuss how the design correlates to
12 the ARARs and the ROD as it currently exists. We're close
13 to resolving this issue, and hopefully we'll have
14 something favorable to present to the Restoration Advisory
15 Board in the next couple of months.

16 Next item is a Remedial Project Managers Meeting.
17 If you'll turn to your handout to the agenda for the
18 Remedial Project Managers Meeting. It should be page 2.

19 I'd like to call your attention to Roman Numeral
20 2, that's a document tracking sheet.

21 Again, in your handout materials for this evening
22 we have provided a document tracking sheet that covers the
23 present month as long and also the two following months.
24 This is an aid for the Restoration Advisory Board to track
25 documents or deliverables, as we refer to them, for review

1 and comment.

2 The schedule has been reviewed by the Remedial
3 Project Managers, U.S. EPA, State of California, and the
4 Water Quality Control Board. And this is the product that
5 resulted from that meeting.

6 It's there for your use. If you have comments,
7 we would appreciate your comments on it. If we can make
8 it simpler for you, we'd be glad to do that. Or if you
9 want additional information, please let us know.

10 CO-CHAIRPERSON MORLEY: Gil, didn't you just say
11 that right now that's currently in Word, but you're going
12 to be putting that in Excel, and that will be E-mailed to
13 RAB members once a month?

14 ADVISORY BOARD MEMBER RIVERA: That's correct.
15 That particular handout that you have in your package is a
16 Word document. The table capabilities of Word, you can do
17 limited sorting. But if anyone wants an excel version,
18 we're willing to work that into Excel so that you can do
19 sorts as you desire.

20 There is also a second schedule handout in your
21 package that is an Excel spreadsheet. And we can send
22 that to anyone who would request that electronically, so
23 you can do sorting using Excel on your computer if you'd
24 like.

25 Just let us know who wants it, and we'll gladly

1 supply it. If you want us to distribute it to the entire
2 RAB, we will do so as well.

3 Another item that I'd like to call your attention
4 to on the agenda for the Remedial Project Managers Meeting
5 is under Roman Numeral 6. It is the Area of Concern 1
6 supplemental sampling. And potential additional grid
7 samples and concrete pipe sampling.

8 The supplemental sampling that's going to be
9 conducted at Area of Concern 1 is to aid U.S. EPA and the
10 state agencies in working with the Navy to formulate the
11 scope of the investigation or the remedial investigation
12 that will be conducted at Area of Concern 1.

13 We did during the time-critical removal action
14 excavate the area, as you know, and got rid of
15 contaminated soils on the site. And we did happen to
16 uncover two pieces of a tube, what we're calling concrete
17 pipes. These are 24 and 36 inch diameter pipes. They
18 appear to be laid on end. We don't know the length of
19 those particular pipes, but they do appear to be filled
20 with a consistent size of gravel. We suspect that they're
21 either sumps or dry wells or something to that effect. We
22 thought about sampling immediately because we do have a
23 sampling effort that will be ongoing, but decided to wait
24 until we characterize the site during the installation,
25 during the remedial investigation. And we'll go forth and

1 do the appropriate sampling for those two items that we
2 uncovered during the time-critical removal action.

3 I'd like to call your attention then to bullet
4 number 3, the Site 13 and 17 ROD, scheduled date for
5 agencies' signature. The U.S. EPA has provided comments
6 to the Navy. Navy has incorporated those comments. We
7 have updated the ROD and will be provided to the agencies
8 in its draft final form and to the Restoration Advisory
9 Board for their review and comment.

10 If we could turn back to the Page 1, the Navy
11 Project Managers Report. I'd like to cover the major
12 bullet there, IRP Documents Submittals & Review. As you
13 can see, there are four specific documents that were
14 submitted for review in the month of October. And these
15 are also indicated on your scheduled handouts that were
16 provided to you. And we will be looking for review
17 comments from the Restoration Advisory Board.

18 Last month we had quite a number of documents for
19 review as well. And I would like to recommend to the RAB
20 that they break up into small groups to review the
21 particular documents. It may make it easier to review
22 them if you break them up that way versus trying to review
23 all the documents in one group.

24 Again, that's my personal recommendation as a
25 remedial project manager. And however you would like to

1 do it, please let us know -- or let me know.

2 The good news is, for the month of October no
3 documents will be provided to the RAB for review. So your
4 entire month of November is free to review the last two
5 months' worth of documents.

6 The field work scheduled for November:
7 Revegetation of AOC 1 excavations. We did backfill the
8 site and we have provided topsoil and we have completed
9 the revegetation of Area of Concern 1 excavations. We
10 will be monitoring the revegetation to ensure that
11 whatever native plants we placed back in the topsoil do in
12 fact do well, and we'll be looking at those until the
13 following year.

14 Again we'll be doing the supplemental sampling at
15 Area of Concern 1, and again to acquire data that we will
16 use in the scoping of the remedial investigation.

17 That concludes the Navy Remedial Project Managers
18 Report for October 2002.

19 CO-CHAIRPERSON MORLEY: Thank you, Gil.

20 Phillip.

21 ADVISORY BOARD MEMBER RAMSEY: Thank you,
22 Theresa.

23 I'll just add just a little bit. Gil actually
24 gave everyone -- Mr. Rivera gave everyone a good rundown
25 of what -- in a sense, what the Navy and what the agencies

1 have been working on this month. So I don't need to add
2 very much to that.

3 I did want to mention regarding the schedules,
4 which we call the Site Management Plan, the SMP, this
5 document has been released now to folks. We want to just
6 remind and reiterate to everyone of the public, these
7 schedules are looked at every year and will be -- going to
8 be actually coming out pretty short now because this has
9 taken a few months longer to complete this year's schedule
10 updates.

11 So June 17th, 2003, we'll be starting this
12 process again, reevaluating the schedules, making
13 adjustments if necessary, and going through what hopefully
14 should just be a couple of month process to update the
15 subsequent annual amendments.

16 And that's the time that folks generally are
17 given opportunities to comment on the schedules and
18 provide any input. So we're just wrapping up this
19 process, again for the new RAB members that started in
20 June of this year.

21 So those schedules are out.

22 Two other activities that I was involved with, in
23 addition to the lengthy discussions we had to wrap up the
24 SMP, the Site Management Plan, we've been having internal
25 discussions, both with EPA internally and with the state,

1 about this Site 1, the closure laws for the Site 1 Tidal
2 Area Landfill. And as Mr. Rivera mentioned, we are going
3 to be meeting with the Navy. And we hope to have a
4 productive meeting to wrap up this evaluation of the
5 closure laws that apply to the landfill site, and look
6 forward to presenting that information to the public
7 whenever you folks would like to hear that.

8 Two other things I was involved with this month,
9 just so you folks know:

10 On the 19th I was asked and attended the Dana
11 Estates Neighborhood Fair, was with also Navy
12 representatives. And some of the RAB members were also
13 kind enough to spend the day at this neighborhood fair.
14 And had a chance to talk to several dozen people in the
15 north Concord area about the environmental programs that
16 are underway at the Weapons Station, and got a lot of
17 positive, good feedback from folks. And we had a chance
18 to hand out RAB applications and talk to people and get
19 their input about things. So that was very positive and
20 rewarding.

21 And then, in addition, on the 24th I went out to
22 see the sampling work. I didn't have enough time for my
23 schedule to get out during the field sampling, which we
24 try to do, and ended up going out there a couple days
25 afterwards where the samplings locations, you know, were

1 still marked, so I was able to walk around the site and
2 see where the samples were taken, make sure they were
3 generally where we had -- where they were agreed to, where
4 the plans indicated the samples were taken.

5 So I had a little chance to visit the inland
6 area.

7 And that's about it. Thank you.

8 CO-CHAIRPERSON MORLEY: Thank you, Phil.

9 Jim, do you have anything?

10 ADVISORY BOARD MEMBER PINASCO: Not much to add.
11 One thing I was involved with and had been involved with
12 is to try and contact and have a dialogue with somebody
13 from the Berkeley office that are working on sites close
14 to Concord so we can exchange information, both for our
15 benefit and their benefit. And was able to transfer some
16 information to them.

17 I just want to point out, Pat Ryan, my
18 counterpart, was also at the community fair that the RAB
19 helped put on.

20 CO-CHAIRPERSON MORLEY: All right. Thank you,
21 Jim.

22 Laurent.

23 ADVISORY BOARD MEMBER MEILLIER: I'm happy to
24 announce that the Navy has signed a cost recovery letter
25 for the UST sites that will basically provide funding for

1 the Regional Water Quality Control Board staff to review
2 UST sites and provide closure or further investigations if
3 studies seem to find that may be required.

4 Following also UST sites I met with a gentleman
5 from Antioch, who is a contractor with the Navy that is
6 based out of San Diego, and met with him today and
7 discussed UST sites.

8 I also provided two letters of comments, one
9 letter pertaining to the Port of Chicago mainstream gas
10 station UST cluster, there are about -- I think about nine
11 UST sites and provided comments on this study. That was
12 provided to the Board.

13 And I also provided comments for tidal area UST
14 sites such as A3A, A16, and E108.

15 Also board staff recently completed a review with
16 the help of Regional Water Quality Control Board attorney
17 on the applicable, relevant, and appropriate requirements
18 related to the Tidal Area 1 Landfill ROD. And we'll be
19 discussing the outcome of this review with the Navy on
20 Wednesday.

21 And, finally, I have started reviewing the solid
22 waste management units, RI investigation reports for sites
23 2, 7, and -- 2, 5, 8, and 18.

24 And that's it.

25 CO-CHAIRPERSON MORLEY: Thank you, Laurent.

1 Okay. For the status of the IR and the AR update
2 we'll start with the good news first, and then move to the
3 bad news.

4 The good news is that the administrative record
5 is up to date. And Bechtel finally came up and did their
6 quarterly review. We did have a new index. And it's the
7 one that's sorted by -- and correct me if I'm wrong --
8 date, site and alphabetical.

9 Unfortunately they gave it to us in
10 password-protected access. So we're trying to hook up
11 with them so that we get it in excess, and then download
12 that to Excel and then send that out to you. And we'll be
13 sending that admin record every quarter.

14 The bad news is that David and Carolyn and I went
15 to the information repository today, and there's a lot of
16 things missing. So I think -- we had a long discussion
17 when we got back to the base. I think we've finally
18 figured out where the problem is. And I think that we
19 solved it. I do bet we have solved it.

20 So we'll be working -- as soon as I am here this
21 week, we're going to be working on getting the documents.
22 There's nothing new in there. The index is old. It's
23 really kind of a mess. So we will be working to get that
24 where it needs to be. And I apologize that that hasn't
25 happened. And I thought -- you were told that it was up

1 to date, and it wasn't.

2 So that's the status of the information
3 repository.

4 Gil.

5 ADVISORY BOARD MEMBER RIVERA: Yeah, one
6 additional comment. We have worked directly -- we,
7 Navy -- EFA West are working directly with Weston. They
8 have indeed hired a bonded copy service to come to EFA
9 West to copy the large volume documents that will be done
10 on the 7th, a couple days from now.

11 Tony Tactay and myself will in fact make sure
12 that the smaller documents, the meeting minutes documents,
13 are copied so that we can have all those holes filled in
14 the information repository. However, apparently things
15 keep, shall we say --

16 CO-CHAIRPERSON MORLEY: Well, apparently the
17 documents are being Fed-ex'd to the base. And we don't
18 know who signed for them because they're not going
19 anywhere. So we're going to go back and try to track
20 where those documents might have gone. You know, there's
21 not that many people there. But from now on they're going
22 to be Fed-ex'd directly to the contractor Weston that's in
23 charge of the information repository. So we're just going
24 to cut the base out. Weston will put the document at the
25 information repository and the base. But we still have to

1 go back and figure out what happened to like the last few
2 months and where everything was, but we will do that.

3 And you brought something up and I just forgot
4 what it was. Never mind.

5 So that was the status on that.

6 Marcus.

7 CO-CHAIRPERSON O'CONNELL: Have we gone through
8 and actually gone through the administrative record and
9 made sure that every document is there? That type of
10 audit?

11 CO-CHAIRPERSON MORLEY: That's what Bechtel did.
12 And they will do that every quarter. And then now that --
13 and now that we have that index, now we can also go and
14 find out what's missing at the information repository,
15 because the index of the information repository,
16 everything that's on the index is there. But that index
17 is not up to date, and that was what one of the problems
18 was. So we're going to now take that newly audited,
19 updated one to the Concord one. And then that's the one
20 that we'll finally -- once we have that in Excel form,
21 that will be sent to you every month for the information
22 repository.

23 ADVISORY BOARD MEMBER TANASESCU: Theresa, what
24 is the timetable for that?

25 CO-CHAIRPERSON MORLEY: We're going to work on

1 that this week. But to tell you the truth right now, I
2 don't know how many documents are missing. So I'm sorry I
3 can't -- I would hope to have it by the next RAB, but I
4 don't want -- I feel stupid for having said that it was
5 taken care of, but it wasn't. So I don't want to give you
6 a date if that's okay. But it will be taken care of.

7 ADVISORY BOARD MEMBER FREITAS: Is there another
8 area that we could -- you know, like the little office
9 there that -- I don't know what the security is like, but
10 the little office that you go in in Clyde to the right,
11 that little building, is that used all the time where, we
12 could use that?

13 ADVISORY BOARD MEMBER BAILLIE: We did look into
14 that, the security building. And unfortunately there's
15 not adequate room available in that building for all the
16 information repository and for the support -- you know,
17 the security requirements that they need from their staff.

18 ADVISORY BOARD MEMBER FREITAS: But is that what
19 is, a security, right there in that --

20 ADVISORY BOARD MEMBER BAILLIE: Yes.

21 CO-CHAIRPERSON MORLEY: But the library did move
22 a lot of things around. Now the litigation sites and the
23 Concord index are on the same shelves. And they moved all
24 the other non-Concord stuff to the other side. So we
25 basically have that whole section. And there's a lot of

1 room there that we'll be able to put all these other
2 documents.

3 ADVISORY BOARD MEMBER FREITAS: They have it on
4 both sides now?

5 CO-CHAIRPERSON MORLEY: No, it's only on one side
6 now.

7 ADVISORY BOARD MEMBER FREITAS: On one side?

8 CO-CHAIRPERSON MORLEY: Yes. So it actually
9 makes it easier.

10 CO-CHAIRPERSON O'CONNELL: Just a comment. This
11 marks the year -- a year since we've been asking. And I
12 pray that this is complete. We're just about to have
13 consultants come in and -- independent consultants to look
14 at some of this. They need this background information.

15 CO-CHAIRPERSON MORLEY: And I know, Marcus. I
16 understand. But I do reiterate that if there is something
17 that's missing, please call me. We will Fed Ex you a
18 copy, we will send you a CD ROM. You know, anything that
19 you need, we'll make sure it's on the web site. Just let
20 me know while we're doing this, okay, so --

21 CO-CHAIRPERSON O'CONNELL: We sent a letter to
22 the Navy on February 4th which documented the documents --
23 well, which list the documents that were missing for -- in
24 the Tidal Area 1 bibliography -- in the bibliography of --
25 of the Record of Decision for Tidal 1. And there were

1 many, many of them. In fact, most of them were either
2 missing or something was wrong. So if you could check
3 that out that, that would certainly be one of the most
4 important ones. And the litigation area.

5 But I think that the listing we gave really needs
6 to be looked at, because there was -- I was told that it
7 was complete. And I went in a couple of months ago and
8 nothing had been done.

9 CO-CHAIRPERSON MORLEY: Right.

10 Okay. Thank you.

11 CO-CHAIRPERSON O'CONNELL: Thank you.

12 CO-CHAIRPERSON MORLEY: If anybody doesn't have
13 any more comments, we'll go ahead with our technical
14 presentation.

15 Okay. Joanna.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 MS. CANEPA: Okay. I have a handout for the
19 Company's presentation. So if you guys follow along with
20 that handout, that would be great.

21 My name is Joanna Canepa and I work with Tetra
22 Tech. We're a Navy contractor. And what I'm going to be
23 talking about tonight is the Draft Feasibility Study for
24 Site 27. The document that looks a lot like this. This
25 is a copy.

1 A copy should have been sent to all the RAB
2 members on Halloween, October 31st.

3 So I'll jump right into the presentation.

4 --o0o--

5 MS. CANEPA: Okay. So what I'm going to be
6 talking about today -- can everybody see the screen okay?

7 I'm going to overview the site history of Site
8 27. I'm going to touch on -- give an overview of what's
9 included in the Draft Feasibility Study. And I'll talk
10 about the schedule for the feasibility study and what the
11 next steps are after completion of that study, and then
12 open up for questions and answers, because we just have 20
13 minutes scheduled for this presentation. I have one that
14 follows mine. If you can hold your questions to the end,
15 that would be appreciated.

16 Okay. Next slide.

17 --o0o--

18 MS. CANEPA: So Site 27 is located in the inland
19 area, just on the south side of Highway 4, here.

20 And the next slide.

21 --o0o--

22 MS. CANEPA: And some of the features of the site
23 is centered around two buildings.

24 One is Building IA-20, which is this building
25 here. And this was formerly used as a chemical laboratory

1 and materials testing laboratory.

2 And this is Building IA-36 here. This is a
3 former boiler house.

4 So these sites have always, since the Navy's been
5 on this property, been used for industrial purposes. And
6 currently they're sitting unused. They've been vacant for
7 several years.

8 --o0o--

9 MS. CANEPA: So there have been several
10 investigations leading up to this feasibility study. Some
11 of you might be familiar with this CERCLA process chart.
12 And we've handed it out at previous meetings. There's a
13 whole CERCLA process. So for this study we're in the
14 feasibility study portion. So I'll talk little bit about
15 what happened in the remedial investigation.

16 In the 1980s and early '90s there was an initial
17 assessment study and site investigation.

18 In 1997 there was a removal of an underground
19 storage tank that was located right on the side of
20 building IA-36. And this is the spot where the UST was
21 removed.

22 And in also 1997 there was a remedial
23 investigation conducted. So included in that
24 investigation was a human health risk assessment. And
25 because of the limited size of the area and the low

1 quality habitat, there was not an ecological risk
2 assessment conducted.

3 --o0o--

4 MS. CANEPA: So I'll talk a little bit about the
5 chemistry of the site. This shot shows again -- this is
6 Building IA-36 and IA-20.

7 Soils were evaluated for the presence of
8 pesticides, PCBs, petroleum, and volatile and
9 semi-volatile organic compounds.

10 And the main chemical of concern at the site is
11 pesticides. And the pesticide of most concern is
12 chlordane, which is historically used for termite control
13 and was generally used around the foundations and beneath
14 buildings to control termite populations. And it was very
15 common in the time of use and was legal at the time.

16 --o0o--

17 MS. CANEPA: I don't expect you to be able to
18 read this figure. But if you flip to the back of your
19 presentation, you should have a full-sized copy of it. It
20 folds out. It's 11 by 17. But what I wanted to show this
21 figure to indicate is that these are all the samples where
22 we analyzed for pesticides and PCBs. And we found that
23 the contamination is limited to the surface.

24 And what's highlighted in yellow here are
25 concentrations that exceed what's known as a preliminary

1 site maximums to be conservative in the analysis.

2 And if we could go to the next slide.

3 --o0o--

4 MS. CANEPA: There's also a fold-out map in the
5 back of your handout that corresponds with this map.

6 But we evaluated three areas of this site
7 separately.

8 First, we looked at all of the data collected
9 throughout the site, and did a risk characterization based
10 on all of the site data.

11 Second, we did a risk characterization based on
12 the data collected just around the perimeter of the
13 building. And this is really the worst-case scenario
14 because that's where the pesticides were the highest.

15 And, third, we did an analysis of all of the data
16 across the site except everything around the perimeter of
17 the building. So that excludes the highest
18 concentrations.

19 And the reason for breaking the analysis up that
20 way is it tells you what would happen -- or what the human
21 health risk might be if there was no exposure here
22 anymore, if this were dug up or, you know, that there were
23 no exposures there.

24 --o0o--

25 MS. CANEPA: Okay. So now I'm going to talk

1 about the conclusions for the human health risk
2 assessment.

3 So our three scenarios -- our three areas are up
4 here. This is the entire site, this is the building
5 perimeter, and this is the entire site excluding the
6 samples just around that building perimeter, for the
7 industrial and residential risk scenarios.

8 So for all of the sites the industrial risk
9 scenario showed that there's no risk. So if we continue
10 to use the site for industrial uses, we don't have a
11 problem.

12 The residential scenario showed no risk if you
13 look at the entire site; no risk if you look at the entire
14 site minus that area just around the buildings; but if you
15 look only at that area, there is risk. So if you lived in
16 that area just around that building, that would pose risk,
17 and you are a resident for 30 years.

18 --o0o--

19 MS. CANEPA: So at the remedial investigation
20 stage we had several meetings with the regulatory
21 agencies. And it became determined that we needed to go
22 into the feasibility study stage. And the purpose of the
23 feasibility study stage is to evaluate a range of options
24 for addressing contamination at the site. And the concern
25 is that residents can't be at the site or they will be

1 exposed to risk.

2 We developed and evaluated this range of
3 alternatives. And they were developed to meet three
4 objectives:

5 One, to eliminate or reduce the human health
6 risk;

7 Second, to protect the environment;

8 And, third, to make sure that the alternatives
9 are feasible, implementable and cost effective.

10 --o0o--

11 MS. CANEPA: Okay. So the remedial alternatives
12 evaluated are these three presented here:

13 First one is no action. And that is required by
14 feasibility study guidance to be included in every
15 feasibility study.

16 The second alternative evaluated includes land
17 use controls. So these would be restrictions of the land
18 use to prevent residential uses at the site. So ensuring
19 that they will always be used in the future for industrial
20 uses. And placement of the warning signs.

21 The third alternative that was evaluated is
22 removal of the contaminated soil around the perimeter of
23 the building, with off-site disposal of that contaminated
24 material. So the components included in this alternative
25 are demolishing both buildings, IA-20 and IA-36;

1 excavating all the contaminated soil around the building
2 perimeters and underneath the building down to a depth of
3 two feet, because again the contaminants were limited to
4 surface soil; confirmation samples to make sure we
5 actually got all the contamination that was there, didn't
6 leave anything in place; off-sight disposal of all the
7 waste in an appropriate landfill; and a survey for and
8 removal of any lead-based paint or asbestos-containing
9 materials, and that's required by law.

10 --o0o--

11 MS. CANEPA: Okay. So those three alternatives
12 were evaluated against nine U.S. EPA required evaluation
13 criteria.

14 So the first two criteria, protection of human
15 health and the environment and compliance with laws, the
16 selected alternative has to meet those two. Those are
17 considered threshold criteria.

18 The rest of these criteria are considered
19 balancing criteria. So each three alternatives are
20 evaluated comparatively against all of these, and then
21 they're compared with each other as well.

22 The last two evaluation criteria, state
23 acceptance and community acceptance, are not incorporated
24 into this draft of the feasibility study, because the
25 purpose of this draft is to solicit comments from the

1 state and to solicit community feedback. So once we
2 receive comments from the state and the community, we'll
3 incorporate those comments into the draft final report.

4 --o0o--

5 MS. CANEPA: So each of these nine criteria were
6 ranked on a scale of 1 to 5, 1 being "the alternative
7 poorly meets the evaluation criteria," 5 being "the
8 alternative best meets the evaluation criteria."

9 So this matrix is shown in your report, and you
10 can see that state and community acceptance are still to
11 be determined.

12 So this summarizes the evaluation in the
13 feasibility study. And based on weighing all of these
14 evaluation criteria, Alternative 2 best fits the
15 evaluation criteria in this analysis.

16 So the schedule and the next step was feasibility
17 study. We're asking for written comments by December
18 30th, 2002. That's 60 days from when it was distributed.
19 And once the Navy receives written comments, the writer
20 responds to comments and issues the Draft Final
21 Feasibility Study by the end of February '03. Once this
22 feasibility study is finalized, that brings us then to the
23 proposed plan -- proposed plan under the CERCLA process.
24 And that's scheduled for June 2003. And then the Record
25 of Decision follows that, which is scheduled for January

1 of 2004.

2 --o0o--

3 MS. CANEPA: And that's all.

4 So if you guys have any questions about the FS or
5 the analysis, I'd be happy to answer them.

6 MS. BAUMGARTNER: I'm Helen Baumgartner from
7 Concord.

8 If it's not safe for a residential, people to
9 live -- I mean for residential use, how can you say it's
10 safe for industry? Because the people are still going to
11 be there eight hours a day breathing whatever they're
12 breathing and mixing whatever is there. So how can you
13 say one is safe and one is not safe?

14 MS. CANEPA: Residential use assumes that you're
15 there all the time for 30 years. And it assumes you might
16 plant a garden and you might be eating soil. It assumes a
17 lot of things. That in an industrial scenario, people
18 wouldn't be planting gardens; and they would be there
19 during the work hours, the 8 to 12 hour work days and not
20 on weekends. So it's the amount of time people are
21 exposed and it's the type of activities they might be
22 doing at the site versus -- at an industrial site versus a
23 residential site.

24 MS. BAUMGARTNER: So basically you're saying a
25 residential, they'll get sick in 10 years, where

1 industrial it might take them 30 or 40 years to get sick
2 because they're still breathing the same stuff?

3 MS. CANEPA: No, not -- actually the residential
4 PRGs are protected of somebody living there for 30 years.
5 So the industrial scenario -- is it also a 30 year, do you
6 know?

7 ADVISORY BOARD MEMBER RAMSEY: I think that may
8 be the same frequency, right, but it's the hours per day.
9 And there is looking at children. They're looking for a
10 residential. If there's children, they assume they're
11 eating so much dirt. And so there's a number of factors
12 that are adjusted in these calculations to come up with
13 these risk numbers.

14 MS. CANEPA: Right. And children generally
15 wouldn't occur at an industrial site, so -- they may have
16 a different sensitivity to certain chemicals.

17 I can't see who's first.

18 ADVISORY BOARD MEMBER FREITAS: My glasses are
19 broke. When I was checking on this, it shows that storm
20 water from these areas drained into culverts and surface
21 run off discharges into Seal Creek and into the Clayton
22 Canal. And on the building 1A-20, it's in Drainage Area
23 9, and it shows that the excess drains into Seal Creek.
24 And that's still another one of my concerns is that -- are
25 we evaluating the runoff on this, the groundwater runoff

1 in the water -- groundwater contaminants in these areas?

2 I mean are we really evaluating this?

3 MS. CANEPA: Well, the contamination observed was
4 limited just to the surface. We didn't find much below
5 the top few feet of soil. So it's not expected -- and
6 application of the chlordane is generally on the surface.
7 And it's pretty immobile in soil. Once it gets in the
8 soil, it binds. So it's not likely -- it doesn't leach
9 down into the groundwater. So groundwater wasn't a
10 concern for the chlordane.

11 ADVISORY BOARD MEMBER FREITAS: But if it's going
12 off into the canals and into the creeks, isn't this going
13 to cause problems?

14 MS. CANEPA: Well, this is -- you can see this
15 elevation is 110 and this is 90. So it's up to downhill.
16 That's how things flow. And there's a drainage ditch
17 here, and there's a sewer right here that things go into.

18 Seal Creek is not shown on this map
19 unfortunately, but it certainly doesn't go up to the
20 canal.

21 So chlordane in general in soil isn't highly
22 mobile. It's possible there is -- in storm events there's
23 some movement. But we haven't seen an indication of that.

24 We've collected samples along this drainage ditch
25 and around in the drainage wells. So things flow from

1 here to here. And we haven't seen chlordane here or here.
2 So there's been no indication that it's moving down here.

3 ADVISORY BOARD MEMBER FREITAS: That's where we
4 need more of the mapping for the canal, where the canal
5 goes, where the waterways go. There's -- what do you call
6 it? -- sewer lines -- sometimes in some of these things
7 that I've been reading, the documents show that they were
8 being, I guess, unlawfully put into the sewer lines and in
9 all things dumped. So this is why I think we need a
10 better idea of where all the drainage is and the lines are
11 and the waterways, because looking at that people get the
12 idea that it -- you know, it's better than it is. And
13 this isn't really great.

14 So I think we need even more information put on
15 these maps so that we can, you know, assess it better.

16 CO-CHAIRPERSON O'CONNELL: How much was the
17 removal going to cost?

18 MS. CANEPA: If we can go back to the -- Okay.
19 So the cost for the three alternatives:

20 Alternative 1. Obviously doing nothing doesn't
21 cost much. Zero.

22 Alternative 2, land use controls was estimated at
23 about \$20,000, and that includes writing some plans to
24 make some follow-up monitoring to make sure that the land
25 use control is actually being implemented 30 years down

1 the road.

2 And Alternative 3 was estimated at \$1.2 million.

3 And that's --

4 CO-CHAIRPERSON O'CONNELL: I guess I need some
5 explanation on that. I remember -- distinctly remember
6 visiting the site. The buildings are very small.

7 MS. CANEPA: The buildings are very small.

8 CO-CHAIRPERSON O'CONNELL: So demolishing the
9 buildings, when I look at it as a non-expert, looks like
10 it should be a fairly inexpensive job. And even if they
11 were to excavate all the soil down to a level of 50 feet,
12 it wouldn't be that much soil. Well 50 feet might. But
13 let's say 10 feet, would not be that much soil. I'm
14 wondering how could it get to that price so quickly on a
15 couple of really small outbuildings?

16 MS. CANEPA: Attachment B of the feasibility
17 studies has detailed cost evaluations for each of the
18 three alternatives. And it doesn't -- I agree. You will
19 get this, thinking, "Oh, my gosh. This is so much." But
20 a lot of the things that you have to do in order to
21 excavate the soil -- you have to send it to the Class 1
22 treatment facility, and that's very expensive, because
23 chlordane is a hazardous waste. You have to do a
24 lead-based paint survey and asbestos survey. And then you
25 have to assume that there's some of that material that

1 you'll have to dispose of properly. Then you have to
2 mobilize, demobilize, do work plans for the construction.
3 There's quite a few steps, and they're all detailed in the
4 Appendix B.

5 There's actually an engineering manual called the
6 MEANS manual. And they have general costs for what
7 construction should cost. So that this analysis was based
8 on that.

9 CO-CHAIRPERSON O'CONNELL: And if we look at the
10 residential's decision factors, the PRGs, residential
11 uses, my understanding is that -- that is that 1 in 10,000
12 people who lived there for -- if you were to live there
13 for 30 years, your risk of getting cancer --

14 MS. CANEPA: -- It's 1 in a million.

15 CO-CHAIRPERSON O'CONNELL: Or 1 in -- that's the
16 other threshold, isn't it?

17 MS. CANEPA: All the PRGs are based on 1 in a
18 million.

19 CO-CHAIRPERSON O'CONNELL: Okay.

20 MS. CANEPA: So it's 1 times 10 to the minus 6
21 thresholds.

22 CO-CHAIRPERSON O'CONNELL: Now, that's -- is that
23 that they die, or they just get cancer?

24 MS. CANEPA: That's cancer.

25 CO-CHAIRPERSON O'CONNELL: What if you take it

1 further? Is that another -- I guess this is for training
2 will come in hand. If we just knew, we had some
3 specifics, but --

4 MS. CANEPA: Yeah, we had human health risk
5 evaluation training a few months -- it's been months and
6 months. But basically EPA has a target risk range that
7 risk management decisions need to be made if risk is
8 within 1 times 10 to the minus 4 to 1 times 10 to the
9 minus 6.

10 CO-CHAIRPERSON O'CONNELL: Well, that's where the
11 1 in 10,000 comes in, is that 10 to the minus 4, right?

12 MS. CANEPA: Right.

13 CO-CHAIRPERSON O'CONNELL: So if the risk is
14 within the range, in other words if 1 in 10,000 people can
15 live there for 30 years and that one -- or let's say
16 10,000 people lived there for 30 years and one of them
17 gets cancer, that's okay?

18 MS. CANEPA: No, that's not what I'm saying.

19 CO-CHAIRPERSON O'CONNELL: Well, what's the range
20 then? You're saying it's up to 1 million.

21 MS. CANEPA: The range -- if something is below
22 the PRG, you have less than 1 in a million chance of
23 cancer -- of getting exposed. So then --

24 CO-CHAIRPERSON O'CONNELL: Where does 10 to the
25 4th come in?

1 MS. CANEPA: That's the upper-bound range.
2 Basically 1 times 10 to the minus 6 and to 1 times 10 to
3 the minus 4 is known as EPA's threshold risk range. So in
4 that range there has to be a risk management decision.
5 And if you're less than 1 times 10 to the minus 4, you
6 have to make a risk management decision. So where we were
7 showing some risk, for example, in the building perimeter
8 area, where we showed some risk, I think that it was in
9 the 3 times 10 to the minus 5. So it was just above the
10 risk range. So a risk management decision is being made,
11 or will be made.

12 CO-CHAIRPERSON O'CONNELL: Okay.

13 ADVISORY BOARD MEMBER FREITAS: And according to
14 the study on Page 7, results of the comparison of the
15 alternates, none of these reduce the toxicity, mobility,
16 or volume of the contaminants at 27. So no matter what
17 you do, it's going to stay the way it is and it's going to
18 be a problem. And the reason I have a problem with this
19 is because this is right above land that you're going to
20 be leasing to Concord for open space.

21 MS. CANEPA: Let me clarify what this reduction
22 in toxicity, mobility, and volume means.

23 Basically what that means is -- that means you're
24 actually taking the chlordane out of the soil, and that
25 means you're making the chlordane go away in the soil. So

1 in this alternative we are digging it up, we're removing
2 it from the soil. We're moving it to a landfill where it
3 will get treated. But we're not removing it from the
4 soil.

5 ADVISORY BOARD MEMBER BAILLIE: If I may. I
6 think I understand where Evelyn's coming from, looking at
7 Page 7, and quote, "None of the three alternatives reduce
8 the toxicity, mobility, or volume contaminants at Site
9 27." I think the way the sentence is written is -- maybe
10 could be clarified a little bit more. Because if you
11 remove the soil from the site, clearly the toxicity at the
12 site would be reduced. But the toxicity -- you know,
13 you're just basically moving it from one place to another
14 place, to a safer place. But you're not removing the
15 contaminant and putting the genie back in the bottle, so
16 to speak. You know, you're still left with dirty dirt
17 that you need supplementing.

18 Don't worry about it, because we talked about
19 this for about what, 15 minutes this afternoon.

20 ADVISORY BOARD MEMBER RAMSEY: Good call, because
21 we had a discussion and -- we'll ask the attorneys about
22 that. And we kind of have different opinions about that,
23 this reduction in toxicity or mobility if you dig it up.
24 But we'll see what the attorneys --

25 ADVISORY BOARD MEMBER FREITAS: Plus you've

1 got -- if you're going to be removing it, then you're
2 going to be putting it into trucks probably, if not drums,
3 and then you're going to be taking it probably down my
4 street.

5 ADVISORY BOARD MEMBER RAMSEY: Well, that's
6 right.

7 MS. CANEPA: Well, that becomes a short-term
8 effectiveness. So this is -- you know, Alternative 1 was
9 not very short term effective, nothing's being done.
10 Alternative 2 is considered highly effective in the short
11 term because you're not -- you're making sure that
12 nobody's living there. You're eliminating that
13 residential risk. Alternative 3 was moderately effective
14 in the short term because you will be putting things in
15 trucks, you will be -- workers going to the site, digging
16 in the soil. Wearing protective equipment, but --

17 ADVISORY BOARD MEMBER FREITAS: But they'll be
18 right above where you're going to be leasing that property
19 for open space. And this is something that I'm really
20 concerned about. This is -- you know, children get out
21 and run when they're in soccer. I don't care how -- what
22 the proximity is on this. I mean it's not real clear when
23 you're looking at these maps, and that's one of the
24 problems. But still if it's above site and some of this
25 could drift down, this is a real problem when you're going

1 to be leasing it out for open space. I really think that
2 needs to be strongly addressed.

3 MS. CANEPA: Site 27 is not under any reuse plan.
4 But correct me if I'm wrong --

5 ADVISORY BOARD MEMBER BAILLIE: I think that's
6 what Evelyn is saying, is there going to be -- what's the
7 potential or the likelihood of transport -- the
8 contamination that we've discovered on site, what's the
9 likelihood to transport off site? And off site to the
10 extent that it could be in an area where maybe there's a
11 residential use or some other more sensitive receptors.
12 And you could explain it technically. But just my sort of
13 layman understanding of this, that it's not very
14 transportable.

15 MS. CANEPA: It's not very transportable. We
16 haven't observed any chlordane that's migrated down into
17 that drainage ditch or drainage swale, concentration.

18 CO-CHAIRPERSON MORLEY: Also, keep in mind
19 though, under a TBD, you know, the agency amendment, the
20 public have their say. And that figures into these
21 equations. If you say, you know, "I don't want land use
22 controls" or whatever, and then that goes up, puts more
23 points on the Alternative 3, whichever one you select.

24 ADVISORY BOARD MEMBER FREITAS: Okay.

25 MS. CANEPA: Any other questions?

1 Thank you.

2 CO-CHAIRPERSON O'CONNELL: I mean, now the points
3 we're looking at, the 4 and 5 are actually the points
4 you're going to assign -- will be assigned to those
5 particular criteria?

6 MS. CANEPA: Yes.

7 CO-CHAIRPERSON O'CONNELL: So there's a
8 potential --

9 MS. CANEPA: It's a draft document. You're free
10 to comment on it.

11 CO-CHAIRPERSON O'CONNELL: You have 27 points
12 total. How many points do community acceptance have?

13 MS. CANEPA: It's a scale of 1 to 5. So it would
14 depend on -- I can't predict what the community acceptance
15 will be. If the community does want Alternative 3, for
16 example, and everybody is, you know, really adamant about
17 it, there would be a 5 here. If everybody wants
18 Alternative 2, there will be a 5 here. I mean it just
19 depends on what the comments are.

20 CO-CHAIRPERSON O'CONNELL: Okay.

21 MS. CANEPA: And if it's a mixed bag, if some
22 people think, "Okay, it's fine in industrial use" or some
23 people think, you know, it should definitely be removed,
24 you know, then these might both be 3's.

25 ADVISORY BOARD MEMBER WILLIAMS: Who's the

1 community?

2 MS. CANEPA: The community is this body and the
3 rest of the larger community.

4 ADVISORY BOARD MEMBER RAMSEY: Joanne, you may
5 elaborate or kind of describe the CERCLA process -- right
6 now, I mean this is the feasibility study, and the Navy's
7 giving you a rundown of the alternatives they're going to
8 be doing. What happens after there is this discussion
9 about the feasibility studies, then we move to a proposed
10 plan that the Navy will propose. So we're listening to
11 some comments right now, which is what the RAB is doing,
12 providing kind of ongoing discussions about this
13 pre-formal public comment period that will happen.

14 So after they go through this discussion, get
15 comments on this feasibility study, they'll still -- there
16 will be a formal public meeting, that there will be
17 notices put in the paper and they'll have a proposed plan
18 fact sheet saying, this is the Navy -- thinks this is what
19 we think we're going to do.

20 And then there's a another formal comment period
21 that people --

22 ADVISORY BOARD MEMBER FREITAS: When's that going
23 to happen, the fact sheets and the --

24 ADVISORY BOARD MEMBER RAMSEY: The schedules
25 would have that. I think --

1 ADVISORY BOARD MEMBER FREITAS: The schedule does
2 that have on --

3 MS. CANEPA: It doesn't have fact sheets. The
4 proposed plan I think was scheduled for next year.

5 ADVISORY BOARD MEMBER RAMSEY: Well, we'll have a
6 proposed plan from the meeting.

7 MS. CANEPA: Or, no, it was June of this year.
8 So that would be the drafts. Is that right?

9 CO-CHAIRPERSON MORLEY: Yeah, June of '03.

10 MS. CANEPA: June of next year.

11 ADVISORY BOARD MEMBER FREITAS: Don't you think
12 it might be a good idea to have fact sheets sent out to
13 Concord residents on this? I mean, isn't that part --

14 ADVISORY BOARD MEMBER RAMSEY: That's actually
15 what the proposed -- the proposed plan is a very short --
16 it is a fact sheet, essentially, saying -- it describes
17 what these -- all terms are evaluated. The proposed plan
18 would be a really quick synopsis of "These are what the
19 alternatives will consider." And this is what the Navy
20 was going to be selecting or proposing, one of these three
21 alternatives.

22 ADVISORY BOARD MEMBER FREITAS: But you're not
23 going to send out a fact sheet that has the background
24 information with --

25 MS. CANEPA: That's what it includes.

1 CO-CHAIRPERSON MORLEY: It includes that.

2 ADVISORY BOARD MEMBER RAMSEY: The proposed plans
3 are actually very short and they'll say, "These are the
4 documents that were a part of the decision. And these
5 documents are available to be reviewed at the various
6 repository" or repositories.

7 ADVISORY BOARD MEMBER FREITAS: And those are to
8 be mailed out?

9 CO-CHAIRPERSON MORLEY: For the proposed plan,
10 not for the feasibility study.

11 ADVISORY BOARD MEMBER TANASESCU: And who are
12 they going to mail that to?

13 CO-CHAIRPERSON MORLEY: Normally it's the
14 interested mailing list, that people -- anyone that has
15 signed up and said that they are -- and there is also EPA
16 required and a DTSC required mailing list that has
17 normally --

18 ADVISORY BOARD MEMBER TANASESCU: I was just
19 wondering what areas it was taking into consideration,
20 because the open space -- it's not just going to be
21 Concord residents utilizing the area. It's going to be
22 people from Pittsburg and people from Bay Point. So
23 there's a larger stakeholder body involved. How are you
24 going to outreach to those people to let them know what's
25 going on?

1 MS. CANEPA: Well, certainly there are
2 communities that are important that we can --

3 ADVISORY BOARD MEMBER RAMSEY: Are we going -- I
4 was just hearing open space. And I'm not sure -- this has
5 nothing to do with a lease now, at least my understanding,
6 or we haven't seen the map. But Site 27 is a long way
7 from this 154 acre lease parcel. My general understanding
8 --

9 ADVISORY BOARD MEMBER BAILLIE: Well, regardless
10 of what the potential use is, I think the question is:
11 What's the mailing list? And I'm just thinking, number 1,
12 wouldn't that be confirmed in the community relations
13 plan, for one thing; and, number 2, that's -- I'd imagine
14 that's something that the RAB would want to see and could
15 provide that in terms of "Hey, here's the current
16 mandatory mailing lists."

17 ADVISORY BOARD MEMBER TANASESCU: We've asked for
18 that before, but we haven't gotten any feedback.

19 CO-CHAIRPERSON MORLEY: For the mailing list?

20 ADVISORY BOARD MEMBER FREITAS: We were told we
21 couldn't see it.

22 CO-CHAIRPERSON MORLEY: The mailing list?

23 ADVISORY BOARD MEMBER TANASESCU: Yes, we were
24 forbidden.

25 MS. CANEPA: Yeah, it was, I think -- Privacy Act

1 information.

2 CO-CHAIRPERSON MORLEY: Well, they can see their
3 names, not just their addresses though, right? I would
4 imagine.

5 MS. CANEPA: I don't know the law.

6 CO-CHAIRPERSON MORLEY: We lost both of our PKs.
7 I'll check on that. But I know they have a lot of privacy
8 issues with people's address. But I don't imagine that
9 you couldn't see like, you know, So-and-so, Bay Point,
10 So-and-so, Concord, like that.

11 MS. CANEPA: The question -- I think David Cooper
12 stepped out. But it was brought up about concerns, so we
13 should check in with him.

14 MR. BOSCHE: My name is John Bosche. I'm with
15 Tetra Tech.

16 And David brought it up from the EPA's standpoint
17 and I believe later on that the Navy decided that the
18 mailing list would not be effective. That's my
19 recollection anyway.

20 CO-CHAIRPERSON MORLEY: Well, I don't see why it
21 couldn't be modified though to where you can meet -- that
22 you could still see like who was on it, who they
23 represented, without violating privacy issues. So I'll
24 check into that.

25 Also I wanted to say, Marcus, that I forgot to

1 say, during the Site 22 off-RAB meeting and site tour we
2 also were going to go over the toxicology and risk
3 assessment again, since we have new members, and kind of a
4 refresher. So that might be helpful too.

5 CO-CHAIRPERSON O'CONNELL: We need to know --
6 that raises an issue. We really -- and I don't want to
7 get into this right here, but we really need to come up
8 with a training program for people like -- so that we
9 get -- we're constantly learning something about this,
10 because this is pretty complex stuff for the average
11 citizen to be thrown into this.

12 I'd like to go back to these -- another question
13 about these numbers that are up here.

14 For assigning weights to each one of those
15 criteria, it would seem to me that there's a lot of
16 subjectivity involved necessarily. And would you like to
17 address that for me, Phillip.

18 ADVISORY BOARD MEMBER RAMSEY: Why don't you
19 restate that, Marcus. Lots of activity, that's all I got.

20 CO-CHAIRPERSON O'CONNELL: There seems to me that
21 when you're assigning weights to the different criteria up
22 here, for instance the 1 through 5, that there's got to be
23 quite a bit subjectivity about that.

24 ADVISORY BOARD MEMBER RAMSEY: Yeah, there are.

25 CO-CHAIRPERSON O'CONNELL: So --

1 ADVISORY BOARD MEMBER RAMSEY: And we continue to
2 have comments. And this is the thing. We've also -- you
3 have to recognize, U.S. EPA also just received this
4 feasibility study, just like the public. And so these
5 can -- and we typically see this from either a DOD or
6 private PRPs, the way people interpret the nine criteria,
7 we don't always see things exactly the same.

8 CO-CHAIRPERSON O'CONNELL: I'm glad to hear that.

9 ADVISORY BOARD MEMBER RAMSEY: But I could also
10 say that -- right now I mean from the current reuse as an
11 industrial, if the Navy were to put up signs that say
12 don't dig in the soil around there, you have protection of
13 human health and the environment at the cost of putting a
14 sign up. That's the real risk, is if people were to
15 excavate around the foundation of this building. It's a
16 different matter, what about residential, what if there's
17 a house built here and all these kind of things that are
18 more kind of future in terms of this being an operated
19 base without a reuse plan and any known existence of the
20 future, you know, idea that you'd have a house and, you
21 know, what exactly would be there? Is it a street? You
22 know, because a street may not require the same cleanup
23 level, et cetera.

24 ADVISORY BOARD MEMBER GRIFFITH: It's also
25 important to remember that if there are any future

1 developments there, it goes through the very rigorous CEQA
2 process as well as the NEPA process too. Those are much
3 more rigorous than this whole process. So if there's
4 future development --

5 CO-CHAIRPERSON O'CONNELL: There will be what?
6 Those processes will be what?

7 ADVISORY BOARD MEMBER GRIFFITH: They're much
8 more rigorous environmentally than this process here.

9 CO-CHAIRPERSON O'CONNELL: I beg to differ.
10 Those processes will draw on these studies. These studies
11 will feed up into those processes. So it's a --

12 ADVISORY BOARD MEMBER GRIFFITH: I don't know for
13 sure, but I believe it to be a separate investigative
14 process. They'd have to resample everything. This
15 wouldn't take place of the sampling and the
16 investigations, I don't believe. A brand new process
17 and -- wouldn't it be? If they were -- for instance, if
18 they decided to develop residential in this vicinity, it'd
19 have to go through an entire new process, which would be
20 to scrutinize the environmental.

21 ADVISORY BOARD MEMBER RAMSEY: I mean one thing
22 really obvious would happen, we've had discussions, like
23 at the Burn Area 13, you know, if they built houses,
24 there'd be a lot of grading would occur. This is a
25 really -- the Site 27 building is pretty small, it's on

1 pretty steep sloped property. If you're going to build
2 anything, you're not going to end up with someone's
3 backyard sitting right here without having significant
4 grading to have occurred. And, again, these pesticides
5 that were applied around the -- actually they're
6 termiticides for termites is what I think this pesticide
7 was used for. There is this known history of -- you're
8 putting the chemical around the foundation of the building
9 for a specific purpose. And when it wasn't a chemical
10 that was dumped in the back and why is it there, it was
11 there because it was applied to the building to protect
12 the wood around the building. This stuff does bind with
13 the soil. And we kind of see that distribution right
14 there.

15 And also, we know it generally binds with the
16 soil, therefore you don't see vertical migrations.
17 Material doesn't move through the soil, nor does it tend
18 to -- I mean the sampling would tend to indicate that
19 again it's also localized where it would be expected to
20 have been applied, as it was done historically in the
21 past.

22 So just, again, you know, there would be grading
23 to build a house here. It's a sloped property. There
24 would be significant earth works, likely going to be
25 scraping the six inches of soil that probably is where the

1 majority of the contamination is located.

2 ADVISORY BOARD MEMBER FREITAS: Is the Regional
3 Water Quality doing testing in this area and Toxic
4 Substance doing testing in this area? And are we going to
5 see the results of that?

6 ADVISORY BOARD MEMBER MEILLIER: Well, chlordane
7 actually is not a contaminant that DTSC usually has
8 oversight over, than the Regional Water Quality Control
9 Board, but -- and the soil.

10 ADVISORY BOARD MEMBER PINASCO: The testing we
11 would look at is what the Navy's provided unless we feel
12 there needs to be more. And that would be probably a
13 decision based on all three regulatory --

14 ADVISORY BOARD MEMBER FREITAS: I'm sorry. I
15 can't hear you.

16 ADVISORY BOARD MEMBER PINASCO: The testing we
17 would look at would be what's in the FS. And if we --
18 anything else would probably be decided as a combined
19 effort by the regulatory agencies.

20 CO-CHAIRPERSON MORLEY: Evelyn, normally the
21 agencies don't conduct their own testing. What they may
22 do is once the Navy's in the field, they can come out and
23 do split samples. But normally they review the data that
24 we provide, which has been validated by a third party, and
25 make their decisions based on that.

1 ADVISORY BOARD MEMBER FREITAS: See, that's what
2 concerns me on this is -- because of some of the things I
3 come up with, and that's why -- it says here that
4 unauthorized non-storm discharges include -- and some of
5 these buildings had floor drains that were connected to
6 storm drain water systems, industrial activities that
7 discharged into -- waste water into the ground surface,
8 and flow to the storm drain inlets, drainage canals or
9 ditches.

10 Improper dumping. So, you know, there's lot of
11 things that I don't think are being addressed that really
12 make me a little nervous. I mean I would think that if
13 the EPA was doing this or they're saying the study is
14 done, most people would say, okay, well, everybody is
15 doing their job and everybody's, you know, putting their
16 testing in on this. So then what do we do? Do we ask for
17 this extra testing to be done just to clarify that there's
18 no major toxic problems there, there's nothing to do with
19 the water quality in that area?

20 ADVISORY BOARD MEMBER MEILLIER: Well, during our
21 RPM meeting earlier this year I voiced my opinion on the
22 fact that there was no groundwater data for this site, and
23 that they were groundwater -- monitoring groundwater
24 wells. And the response from the Navy was that the
25 mobility of chlordane was not a consequence and it's

1 mostly bound to the soil. And that the depth of
2 groundwater was really -- you know, was like about 20 to
3 30 feet below ground surface. So, therefore, it was not a
4 lot of tracking or the likelihood even of groundwater
5 availability for the contaminants to reach the water
6 table.

7 I also during another -- during that RPM meeting
8 I also told I was concerned about the use of that swale
9 for, you know, this disposal of waste there, as well as
10 the proximity from the canal. And I actually did a site
11 visit about like maybe three or four months ago where I
12 actually observed that there was this gate opened into the
13 canal. And I was concerned about that. And the Navy also
14 assured me that they would patrol this area to make sure
15 the canal gate was closed and that there would not be any
16 access to the canal because the canal actually transports
17 water that would be drinkable.

18 So this is basically, you know, what the position
19 of the Board is currently on this site. I do agree though
20 that I don't think it's -- to support the fact that, you
21 know, to really close the loop any, that would -- you know
22 I did recommend, I still do recommend that the Navy sample
23 the groundwater there to really make sure that there's no
24 contamination. And I understand that the public supports
25 this idea. And, therefore, I will further advance this

1 opinion.

2 ADVISORY BOARD MEMBER FREITAS: Yeah, I'd like to
3 make a formal request on behalf of the RAB that the water
4 is tested and that we get a report from Laurent. And I'd
5 also like Toxic Substances to be involved and get some
6 sort of report, if that's possible.

7 CO-CHAIRPERSON MORLEY: You know, Evelyn,
8 remember, the agencies got the report the same time you
9 did. They haven't reviewed it yet. And we don't have any
10 agency comments yet. So I would ask that if you are
11 concerned that -- that's why we ask for comments. If you
12 have that comment, to make that as one of your comments on
13 this feasibility study.

14 ADVISORY BOARD MEMBER FREITAS: Well, why is he
15 not listening to the Boards when they make these comments?
16 I mean these are people in the expert field. I mean, you
17 know, why are they not being listened to?

18 ADVISORY BOARD MEMBER RAMSEY: They do in -- and
19 I need to support -- I mean we've also -- U.S. EPA, we are
20 again at the feasibility study. Prior to that was the
21 remedial investigation study, which was the collection of
22 samples. Now, this was before my time, Ms. Freitas, but I
23 was not a member of this team on Concord. But there was a
24 U.S. EPA representative. In fact, we had our human health
25 risk assessor, who's been working representing U.S. EPA as

1 a toxicologist consistently for several years, Dr. Daniel
2 Stroika. I believe it's Doctor. But Daniel Stroika,
3 Toxicologist.

4 So we were supportive of the Navy, that when you
5 look at some of these kind of materials, not every kind of
6 contaminant had one -- has a potential to, because you
7 find on the surface, you're going to find it 25 feet below
8 ground.

9 And in particular, the metals in these
10 pesticides, PCBs, polychloribiphenyls, were also detected
11 up in the -- above -- there's some little detections up in
12 this area for PCBs. It may have been waste oil was
13 dumped, because this was a little materials testing
14 laboratory.

15 Those materials also -- generally those
16 contaminants do not migrate through soils. They tend to
17 bind. And you'll find them in the upper one foot or two
18 foot --

19 ADVISORY BOARD MEMBER FREITAS: I'm not concerned
20 about the soil part, Phil. I'm concerned about the
21 waterways. And maybe it's been dumped and gone into the
22 waterways. And I think this needs to be addressed.

23 ADVISORY BOARD MEMBER RAMSEY: Well, that's how
24 we -- if you look -- look at the surface. And if you
25 don't see -- if you see the localized that are right

1 around -- like this -- this chlordane is found right
2 around the footing of the building. It's where we -- the
3 toxicologists, the science behind these contaminants
4 dictates that these things are not going to move very far
5 unless there's a creek that's washing them away.

6 ADVISORY BOARD MEMBER FREITAS: But if it drains
7 or things that are going off into this that you aren't
8 even aware of, storm drains --

9 ADVISORY BOARD MEMBER RAMSEY: The drain --

10 ADVISORY BOARD MEMBER FREITAS: -- done
11 illegally --

12 ADVISORY BOARD MEMBER RAMSEY: The drainage swale
13 was a little bit to the side. I'm just saying that
14 right -- if we could just -- we have to sometimes kind of
15 say is there a basis for like -- discussion here was
16 putting in a monitoring well. And if we see the
17 contaminants only in the upper six inches and one foot and
18 then you don't see them at two feet, you don't go and
19 install a groundwater monitoring well to 20 feet to test
20 the groundwater. Because that groundwater monitoring well
21 will cost \$20,000, and we'll have some other project we
22 won't be able to do.

23 And so this is, I think -- some of the discussion
24 about the need for groundwater monitoring, that EPA and
25 our toxicologists and the scientists would say we support

1 the Navy's position that looking for some of these kind of
2 contaminants in the soils is sufficient because that's
3 where they tend to be found.

4 And as far as a surface water, finding them
5 washing down, you need some kind of a physical pathway
6 like a creek or a drainage area. They're not going to
7 just magically blow down and end up in either the Contra
8 Costa water canal -- which is actually upslope from this
9 building. They physically cannot move up a hill in the
10 soils. They're going to go down. But when we sample the
11 soils around the building, there is no indication that
12 there is a pathway for these contaminants to move down.

13 So we have to recognize it's a relatively small
14 site that had this history of the kind of contaminants and
15 how they were applied, you know, and the Navy sampling the
16 worst case areas.

17 I don't -- sorry, I just want to make sure --
18 there has been a conscious effort on the part of the
19 regulatory agencies to discuss these things with the Navy
20 and to come to some sort of reasonable, you know,
21 conclusion. We can always say we'll do some more samples.

22 ADVISORY BOARD MEMBER FREITAS: No, we'll address
23 it in the --

24 ADVISORY BOARD MEMBER RAMSEY: Yeah, that's
25 right.

1 ADVISORY BOARD MEMBER FREITAS: -- so rather than
2 take a lot of time.

3 ADVISORY BOARD MEMBER RAMSEY: And we'd also be
4 happy to. I mean that's the other purpose of a regulatory
5 agency, without doing this necessarily always in this
6 format. Any RAB member is perfectly welcome to contact
7 the Navy representatives or any of the agencies, and we're
8 happy to talk about these things, so you understand -- and
9 we understand a lot of the RAB members are new. We, you
10 know, could use -- this is how the trainings about the
11 toxicology and what we call fate in transport of
12 contaminants, is an important aspect of what we do and
13 where we sample and what the kind of things we sample for.

14 CO-CHAIRPERSON MORLEY: So feel free to call any
15 one of those, the agency numbers, the contractor, and we
16 can help maybe discuss that in more detail.

17 ADVISORY BOARD MEMBER FREITAS: Okay.

18 CO-CHAIRPERSON MORLEY: Okay. Thank you.

19 With that we'll move on to the Solid Waste
20 Management or SWMU presentation.

21 And this is John Bosche, who is with Tetra Tech.

22 (Thereupon an overhead presentation was
23 presented as follows.)

24 MR. BOSCHE: All right. I'm John Bosche. I'm
25 with Tetra Tech. And I was involved in the development of

1 this report as a project manager. It's the Draft Remedial
2 Investigation of Groundwater. It's in the vicinity of
3 formal SWMU sites.

4 These SWMU sites were -- they have a long history
5 of investigation, more than 10 years, on the Naval Weapons
6 Station. And for the time being -- they're called solid
7 waste management unit sites, but the designation of solid
8 waste management unit sites is not particularly relevant
9 to tonight's presentation. So I'll show you why the area
10 was contaminated and where things are going.

11 Could I have the next slide.

12 --o0o--

13 MR. BOSCHE: So the talk is divided into several
14 sections: The site location, previous investigations --
15 those being investigations that led up to the Draft
16 Remedial Investigation -- and some additional description
17 of the Draft Remedial Investigation itself, and then the
18 conclusions and recommendations of this investigation.
19 And then there will be time for questions.

20 --o0o--

21 MR. BOSCHE: So this is in the general vicinity
22 of the site. This is Highway 4 here. And it's in the
23 more industrial area of the Naval Weapons Station. It's
24 at the foot of the hills, and it's in an area of alluvium,
25 which is what we call slope wash material. It's where

1 sand and gravel and silt and clays have gathered in lower
2 lying areas.

3 And the groundwater in this area flows to the
4 west, and eventually it will flow up towards Suisun Bay
5 towards the north.

6 The golf course is in this area. Clyde is up
7 here.

8 In this general vicinity there are not any
9 uses -- consumption uses of groundwater, drinking water.
10 There is some industrial -- or agricultural use, I'll call
11 it, of groundwater at the golf course.

12 Could I have the next slide.

13 --o0o--

14 MR. BOSCHE: So this is the area within that box
15 from the last slide. So we're zooming in on this area.
16 And these are the industrial buildings of the inland area.
17 You can see that the train tracks come in and they
18 actually pass through some of these buildings. The most
19 heavily industrial buildings are sort of up in this area.

20 This is an area where locomotives were formerly
21 washed. It was standard to wash locomotives with solvents
22 and steam cleaners.

23 And any time -- this groundwater investigation is
24 based on older investigations that found solvents in the
25 groundwater. Any time you find a wash rack in an

1 industrial area and you find solvents in groundwater,
2 you're going to suspect the wash rack area.

3 But the entire area in our previous
4 investigations had various borings and so forth.

5 Can we go to the next slide.

6 --o0o--

7 MR. BOSCHE: Okay. So back to the 10-year
8 history that we've had, more than 10 years of work in this
9 area. It started off with an old investigation that was
10 conducted by the state to sort of evaluate if areas were
11 potentially hazardous. And there was enough industrial
12 activity in that area that, yes, there were a number of
13 places throughout Concord, the Naval Weapons Station that
14 were considered to be hazardous. So this had a very long
15 list of SWMU sites, each one identified with some
16 particular industrial activity.

17 And then we took all of the SWMU sites and looked
18 at them back, planning for it in '94. And again the work
19 that we do, each phase of our investigation includes a
20 planning phase and then an execution phase. And so you'll
21 see that in some of these slides coming up, the planning
22 phase and the execution phase.

23 Well, the planning phase is pretty detailed.
24 It's subject to a lot of regulatory agency review. And we
25 all have to agree on the scope of work that's going to be

1 done. That's done, as you're familiar, with these reports
2 that circulate out and come back with comments.

3 And so we came up with an investigation plan that
4 covers a lot of the SWMU sites. And I know a lot of you
5 have been to a number of the SWMU sites, not just the ones
6 that were talking about tonight.

7 And what we got back after we went to the field,
8 we drilled a number of these sites and found that certain
9 contaminants at certain sites were a problem, others
10 didn't have problems.

11 Could I have the next slide.

12 --o0o--

13 MR. BOSCHE: Just, for example -- and I don't
14 want to concentrate on the numbers here, because you can't
15 read them anyway. But back at the older investigation,
16 this is the general inland area, the industrial area that
17 we looked at before. And what we found at the SWMU
18 investigation was we found sort of a generalized area of
19 very low level PCB contamination in this area. It was
20 remarkably consistent in the north to south and sort of
21 east to west. It was found at 5 to 6 parts per billion.
22 And the --

23 MS. CANEPA: PCB or --

24 MR. BOSCHE: Did I say PCB?

25 I'm sorry. PCE. PCE.

1 It was found 5 to 6 parts per billion. And in
2 drinking water supplies the maximum contaminant level for
3 PCE is 5 parts per billion. So that happens to be right
4 near the analytical detection limit. If you get much
5 lower than that, you can't detect it. Or at least -- I'm
6 not sure what the best instruments could do, but it's a
7 very low number. It's in fact so low that if it's less
8 than 5, 5 or less, it could be used as a drinking water
9 supply.

10 But we had concentrations of around 6, and we
11 didn't know where it was coming from. So that was the
12 clue that maybe we could find something that could be
13 stopped or treated.

14 Could I have the next slide.

15 --o0o--

16 MR. BOSCHE: So that brought us to the next kind
17 of investigation in the CERCLA process, which is the site
18 investigation.

19 And you see that I've got it as a general
20 category, Groundwater SI/RI. And the reason for that is
21 because we found things in the site investigation that
22 immediately sparked our awareness that we're going to have
23 to go to the next level. So what we did is we started
24 with the site investigation, the same planning process
25 that I talked about before where you come to agreement

1 with regulatory agencies about the scope of work that
2 needs to be done. And in '98, we had a draft final site
3 investigation workplan for this area to look at the
4 groundwater contamination in the industrial area, in the
5 inland area.

6 And then we came out with a report that's a
7 combination of a Groundwater Site Investigation Results
8 Report and a Remedial Investigation Workplan. So we took
9 an opportunity to try and sort of short circuit one of
10 these paths in the CERCLA investigation process, because
11 we can present the data, and then save what we needed for
12 what we wanted to do next.

13 And what we wanted to do next is the topic
14 tonight, which is the remedial investigation. And we came
15 up with the Draft Remedial Investigation on what, 16th or
16 18th, this report here? That I believe you all have.

17 So could I have next the next slide.

18 --o0o--

19 MR. BOSCHE: The SI results were conducted over a
20 1-year time period, and they focused the groundwater. And
21 again they were remarkably consistent with the 5 to 6 ppb,
22 parts per billion, of PCE in this area.

23 And then this little one goes out to monitoring
24 Well Number 10, which happens to lie right next to the
25 wash rack area. And that was also very consistent over

1 the quarters. I see some numbers, like 66, 71, 72 parts
2 per billion of PCE in the groundwater in monitoring Well
3 Number 12.

4 Now, although that's about a factor of 10
5 increase relative to what you see over here, on the grand
6 scale of things it's still a relatively low number as far
7 as environmental contamination goes. Numbers like this
8 are pretty hard to remediate because they are considered
9 low.

10 Can I get the next one.

11 --o0o--

12 MR. BOSCHE: So, after the SI results were
13 reported in that report, this was the investigation that
14 was proposed for the RI phase. And we went through a lot
15 of review to come up with exactly what should be done.
16 Because one of the goals of this RI investigation was to
17 figure out if we had some kind of source of contamination
18 in soil that was like an ongoing source that could feed
19 this water contamination over a long term, and something
20 that we could actually get after, dig up and haul away.

21 Could I have the next one.

22 --o0o--

23 MR. BOSCHE: So the results -- okay. Well, let
24 me back up and look at my notes for a second.

25 Could I go back to the last slide for a second?

1 This investigation that's summarized in this report,
2 that's the current topic, included 39 soil borings and 158
3 soil samples and 54 groundwater samples, both in wells and
4 also in soil borings. It also included hydrogeological
5 work to understand how water moves through this area. And
6 it also included some sampling to evaluate how the site --
7 what the chemistry of the site is and the site's ability
8 to dissipate volatile organic contamination contaminants
9 without any input. So we call that natural attenuation,
10 what's the site's capacity to naturally attenuate.

11 Can we go to the next one.

12 --o0o--

13 MR. BOSCHE: So this is just a map of the
14 generalized groundwater flow through the area. This is
15 established based on the wells in the area.

16 Okay. The next one.

17 --o0o--

18 MR. BOSCHE: Okay. And then the real focus of
19 the investigation was the contaminants in groundwater.
20 And the most significant ones that we found were TCE,
21 which is a tetrachloroethylene -- or trichloroethylene,
22 and PCE, which is tetrachloroethylene. They're both
23 chlorinated solvents.

24 And you have both of these next two slides in
25 your own packets. And they're a little easier to look at

1 than some of the slides -- some of the maps in the report.
2 These maps are from the report, but they're easier to look
3 at because they're color coded. So your worst sites are
4 these pink ones where we have concentrations of TCE
5 created in 10 micrograms per liter, which is parts per
6 billion.

7 And then this one doesn't have anything between
8 the 5 and the 10's.

9 And then the blue is where we detected it. But
10 it was detected below the MCL, the maximum contaminant
11 limit of 5, which distinguishes drinking water from
12 non-drinking water.

13 And then the green dots where it was not detected
14 at all.

15 And, again, most of it occurs around the heaviest
16 industrial area and the wash rack.

17 Next one.

18 --o0o--

19 MR. BOSCHE: And here the pattern's a little
20 different, but there's a lot of similarities too. The
21 same kind of sources are suspect.

22 One thing that -- if you were out at the site and
23 you walked between some of these borings that were in the
24 wash rack area, you'd notice that they're pretty close
25 together. We're kind of reaching what I consider to be

1 the limit of how close you come to another boring before
2 you're on top of it. I mean 15 or 20 feet on some of
3 these, or 25 feet, you know, that's close in sort of
4 environmental investigations.

5 And what we found -- we found all the groundwater
6 contamination again all at low levels, but we didn't find
7 any soil contamination in this whole investigation except
8 for two soil samples, and those were right at the
9 detection limit -- near the detection limit.

10 So there's not much going on in soil that we
11 found.

12 Can I have the next one.

13 --o0o--

14 MR. BOSCHE: Okay. And based on the results that
15 we had, we looked at the risk to human health. And the
16 human health risk assessments involve several steps. We
17 always evaluate data quality. And this was a screening
18 level human health risk assessment, so it was based on
19 maximum concentrations. And what you do is you identify
20 complete exposure pathways. Complete exposure pathways
21 are pathways by which humans can be affected by the
22 contamination.

23 So included with those are such things as
24 inhalation of contaminated soil particles; ingestion of
25 contaminated soil particles; inhalation of vapor -- of

1 volatile organic constituents in air, because volatile, is
2 they volatilize, they go into the air and you can breathe
3 it.

4 Ingestion of groundwater or contact -- physical
5 contact with groundwater. So if there was a place where
6 you could put your hand into the groundwater.

7 And we performed this screening level evaluation
8 based on these components.

9 Now, the only -- because we didn't find
10 significant contamination in soil, there's really no
11 complete pathway for contact with soil particles or
12 breathing of contaminated dusts.

13 And the concentrations in groundwater are fairly
14 low, so there's not much potential for these volatiles to
15 come up out of the groundwater and be released into the
16 atmosphere.

17 So that pretty much leaves contact with
18 groundwater and ingestion of groundwater.

19 Contact with groundwater's unlikely because the
20 depth of groundwater's deep here. It's anywhere from 10
21 to 20 feet. So you're not going to see groundwater at
22 this site without drilling a well.

23 And ingestion of groundwater. The area's not
24 used for groundwater consumption now. A downgradient of
25 the golf course, it is used for agricultural purposes, but

1 there's no drinking water wells in this vicinity.

2 But the fact that it could be used -- there are
3 some secondary MCLs that are exceeded by this groundwater,
4 which means that it's not the best groundwater in the
5 world because it's got dissolved solids. But because it
6 could be used, that's really the problem that has our
7 greatest interest now because that's a potential complete
8 pathway for this site.

9 Okay. And then we do a similar evaluation for
10 ecological risk. Most of the things that I talked to you
11 about with human health risk are sort of embodied in this
12 conceptual site model bullet for ecological risk. But in
13 addition, when you do an ecological risk assessment you
14 have to screen to all the various different potential
15 receptors.

16 For the same reason that this site is not
17 particularly hazardous to humans, this conceptual site
18 model, there's really not much risk to any ecological
19 receptors because of this. Your concentrations don't
20 appear in the soil and they are low in groundwater -- low
21 concentrations in groundwater. And then there's no
22 complete pathway by which these receptors can come into
23 contact with the groundwater.

24 --o0o--

25 MR. BOSCHE: Okay. So the conclusions of this

1 Could I have the next one.

2 --o0o--

3 MR. BOSCHE: So that's what I have for you. If
4 you have any questions, I'd be happy answer those.

5 ADVISORY BOARD MEMBER GRIFFITH: By finding no
6 traces of VOCs in soil or very little, does that mean that
7 it's already migrated through the soil down to
8 groundwater, et cetera, like quick passage, or --

9 MR. BOSCHE: I think that it's -- most of this
10 has probably occurred in the wash rack area. And it's
11 migrated down to soil which is in contact with
12 groundwater, and probably at concentrations that are not
13 very high because we're not seeing very much of it in
14 groundwater. And what happens is it -- a certain amount
15 of VOCs get bound up in the soil down at that level and
16 they just release for a very long time. So it's obviously
17 down there at some concentration in some soil somewhere.
18 But when I say that we don't see it in soil in any
19 concentration, what I mean is I don't see anything that I
20 can identify which makes sense to go after it with some
21 equipment to get rid of it or to even evaluate it.

22 So there is -- there are VOCs in soil, but
23 they're down there at the groundwater table and they're
24 not in a big massive area that could be detected by
25 borings at the spacing that we have --

1 ADVISORY BOARD MEMBER GRIFFITH: Wouldn't that be
2 concentrated right below the management units --

3 MR. BOSCHE: Well, you know, the wash rack area
4 was reconstructed recently. And I don't know that
5 practice -- you know, I can't remember how many years this
6 site was used as a wash rack. But suffice to say that has
7 been a locomotive maintenance facility for a long time.
8 And there weren't even laws to manage VOCs years ago. So
9 the methods of collecting them and handling them are
10 different now. And, you know, if you splash some solvents
11 over there on the ground, nobody was going to really think
12 about it because nobody considered it to be a hazard back
13 then. And then when it rains and those get carried down
14 to the groundwater level, they migrate.

15 ADVISORY BOARD MEMBER RAMSEY: John, actually may
16 be the opposite, that that wash rack is relatively new and
17 had been resurfaced, according to the RA report, had been
18 re -- like there'd been a new containment concrete pad put
19 down.

20 MR. BOSCHE: Well, the way it is now -- well,
21 actually it's modern.

22 ADVISORY BOARD MEMBER RAMSEY: Yeah, that's
23 right, right.

24 MR. BOSCHE: The way it is now, it's modern. But
25 there was a predecessor washing area at that location.

1 ADVISORY BOARD MEMBER RAMSEY: Right, probably in
2 the '60's or '70's, but not back in like the '40's when
3 the base was first opened though actually. So when this
4 wash rack near Well 10 was in operation, it's actually
5 more recent in time when environmental practices may
6 actually be a little better. And the tendency to use
7 solvents to wash locomotives off and things may have been
8 a little bit better controlled

9 MR. BOSCHE: Any other questions?

10 ADVISORY BOARD MEMBER RAMSEY: I was just going
11 to add why -- folks may be wondering. I mean the agencies
12 also have just received -- we've been looking at this for
13 about a week or so. So that's why all -- in fairness to
14 the Navy, we're kind of going through our evaluation right
15 now. So we're kind of having a little briefing here just
16 like everyone else is.

17 CO-CHAIRPERSON O'CONNELL: Folks, 9 o'clock.

18 Pretty late already. We'll go to -- moving on to
19 the next item. We have discussion of the rules of
20 operation.

21 ADVISORY BOARD MEMBER FREITAS: Marcus, could we
22 have a minute to stretch like we do in the jury?

23 CO-CHAIRPERSON O'CONNELL: Let's take a few
24 minutes to stretch.

25 (Thereupon a recess was taken.)

1 CO-CHAIRPERSON O'CONNELL: Well, the next item on
2 the agenda is discussion of the rules of operation. And
3 let me back up a little bit on this and sort of give you
4 some background. We'll go over this again.

5 The RAB had set up a subcommittee in the earlier
6 part of this year. And we went over these bylaws and --
7 well, anyway, we came up with these. We won't go into all
8 the wrinkles on that.

9 At the last meeting these came forward, there was
10 some discussion. We couldn't -- sent them back to a
11 committee. The committee went through them on October
12 28th. Quickly Igor typed up the changes that were
13 recommended by the committee. And we have circulated them
14 to the RAB as a whole.

15 At the time that these were recirculated it was,
16 frankly, intended that any comments that would be made on
17 these bylaws from here on out because all parties had an
18 opportunity to attend the Committee -- we anticipated that
19 the comments would essentially be on the revisions that
20 were handed out to the bylaws. What we got from the Navy
21 was quite an extensive list of revisions.

22 Now, that's the general introduction. I want to
23 say something. This is my viewpoint on this.

24 The Navy's had a long time to participate in this
25 process. They had participated at the committee level way

1 back when these were drafted, months and months and months
2 ago. In fact we anticipated that they were going to be
3 there, and they weren't.

4 Because our last meeting no comments were
5 submitted, the bylaws were circulated about five or six
6 days before the meeting. But the Navy didn't submitted
7 any comments then.

8 At the last meeting, we asked the Navy, "Can you
9 submit comments by October 21st?" Very explicitly said
10 that, repeatedly said it, got a commitment from the Navy
11 that their comments would be to us by October 21st. We
12 didn't receive any.

13 The Bylaws Committee met on October 28th. We had
14 two representatives from the Navy there, but we did not
15 have any comments on the bylaws. These comments were not
16 submitted.

17 These comments were submitted last Friday, a day
18 before this -- a business day before this meeting. And,
19 frankly, I don't think that we can go through all these
20 tonight. I don't think we have time. We have time. I
21 don't think we have the stamina to go through all these.

22 So I'd like to sort of -- having said this much,
23 and I'll certainly have a lot more to say on the bylaws,
24 but I thought maybe I'd throw it open to comment.

25 CO-CHAIRPERSON MORLEY: Marcus, I just wanted to

1 say one thing.

2 My understanding -- I had a different
3 understanding apparently -- was that we did not have time
4 before the last RAB to go through all the 22 pages. We
5 had glanced through a little bit. We did agree to give
6 our comments. But at the RAB my understanding was that
7 everybody thought they were too long and that they were
8 going to be shortened. So we were waiting -- we decided
9 not to make comments until the Committee had met on the
10 28th, and then we were going to comment on the revised
11 bylaws. And that was our understanding, which as it turns
12 out now was a misunderstanding. So that's why I
13 apologized. And why the Navy got their comments in later
14 is we were waiting for the subcommittee to meet and then
15 get back to us, and then we were going to comment on those
16 bylaws, which we did get in by Friday. We were told that
17 was the date that you wanted our comments in by.

18 So I'm not sure at this point whether we want to
19 spend a lot of time hashing out over these comments or
20 maybe take 10 minutes to look at the Navy people that made
21 those comments, to look at them, and decide what you just
22 can't live with.

23 Evelyn.

24 ADVISORY BOARD MEMBER FREITAS: Yeah, the one
25 thing I really feel needs to stay in is Page 3, Number 2.

1 I think the RAB has an obligation to address the reuse,
2 and I think that's really important to stay in.

3 CO-CHAIRPERSON MORLEY: Right. Are you
4 responding to my comment that I made on E-mail -- that I
5 sent out to E-mail to everybody, what I asked them to
6 take --

7 ADVISORY BOARD MEMBER FREITAS: Well, actually
8 this is the Navy's copy that they sent. So I don't
9 remember whose -- if it was yours or the Navy that -- you
10 know, the lawyers that did this part.

11 But they wanted to take that part out, and I
12 think it should stay in.

13 CO-CHAIRPERSON MORLEY: Well, I guess actually
14 what I'm asking now is Gil, Dave and myself -- Greg's not
15 here, so we can't ask him; and the lawyer, I don't think
16 he had that many comments. But do we just want to quickly
17 go through and see the comments that we made, if they're
18 not incorporated, or which ones you feel very strongly
19 about discussing only those comments and getting those
20 ratified tonight?

21 ADVISORY BOARD MEMBER TANASESCU: I have two
22 issues with this that I really think need to stay in
23 there. One is, there are several instances in here where
24 they want to take out land use, which I believe really
25 strongly needs to stay in there.

1 And the other thing is about the transcripts.
2 There's a specific reason why we went to transcripts, and
3 that's because the minutes were always taken out of
4 context and it was misrepresented. But this has also
5 shortened the amount of time that it's taken going over
6 the minutes, I mean considerably, If you look at the
7 beginning meetings that we've had. It's --

8 CO-CHAIRPERSON MORLEY: -- and we don't agree.
9 We want to keep that in.

10 ADVISORY BOARD MEMBER BAILLIE: Theresa, if I'm
11 understanding what you're saying, is you're saying the
12 Navy made -- I don't know how many comments we made.
13 Collectively maybe we made, say, 30 comments. I mean I
14 don't know if it's that many. And what you're saying is
15 forget about all 30 comments, but maybe there's 2 or 3 or
16 4 that really are kind of important to us and we'd like to
17 discuss and have them in there. So let's forget about the
18 other, you know, 26; and because this is important to get
19 these rules of operation down and moved forward and we
20 want, you know, to support that.

21 And so let's just talk about the three or four
22 things that, you know, we really need to talk about.

23 CO-CHAIRPERSON MORLEY: Right, that's what I'm
24 saying.

25 ADVISORY BOARD MEMBER BAILLIE: Okay. All right.

1 CO-CHAIRPERSON MORLEY: But, you know, I don't
2 know if -- I don't have a problem with that. Gil, do you
3 have a problem with that?

4 ADVISORY BOARD MEMBER RIVERA: No. Any way you
5 want to streamline it is acceptable. And I'll relate to
6 you what the Navy counsel comments are and what Navy can't
7 live with with respect to his comments.

8 CO-CHAIRPERSON MORLEY: Okay. So does everyone
9 mind if we just take 5 minutes to kind of come back with
10 you what we -- just the few -- one or two? Because
11 actually when I made the comments -- and, Marcus, you
12 responded to my comments. I think those went to
13 everybody. I don't mind except for having the Navy
14 Co-Chair provide refreshments. I don't agree with that.

15 I'm not saying I won't do that, but I don't want
16 it in the bylaws.

17 So if that's okay with everybody, I think that
18 might speed this up. And hopefully we can ratify that
19 tonight, if you just let us have like 5 minutes to come
20 back and we can discuss those.

21 ADVISORY BOARD MEMBER BAILLIE: Okay. So you're
22 saying you want the folks to meet in the hallway for 5
23 minutes.

24 CO-CHAIRPERSON MORLEY: Yeah, we're going to go
25 in a code of silence.

1 ADVISORY BOARD MEMBER FREITAS: With those in
2 things in mind then, the transcripts and the reuse, we
3 want --

4 CO-CHAIRPERSON MORLEY: I agree with the
5 transcripts. I don't think that be taken out.

6 ADVISORY BOARD MEMBER FREITAS: And the reuse.

7 ADVISORY BOARD MEMBER BAILLIE: We might discuss
8 and see what we can live with.

9 CO-CHAIRPERSON MORLEY: You guys are going to
10 need agenda items for the next RAB.

11 ADVISORY BOARD MEMBER FREITAS: Actually
12 Wednesday night at 7:30 at the Community Center Kevin
13 Keshak, I guess it is, from Channel 7, they're having an
14 open forum. Marcus, this is for you too. And
15 everybody's -- people are invited to give -- audience,
16 they were --

17 THE REPORTER: Are we still on the record here?
18 Because there's a lot of voices --

19 CO-CHAIRPERSON O'CONNELL: Just a second. We
20 need one at a time here.

21 ADVISORY BOARD MEMBER FREITAS: Oh, I'm sorry. I
22 thought we were off the record.

23 CO-CHAIRPERSON O'CONNELL: Let's -- what, we
24 probably want to adjourn temporarily.

25 (Thereuopn a recess was taken.)

1 CO-CHAIRPERSON MORLEY: Okay. Basically Dave has
2 one comment.

3 ADVISORY BOARD MEMBER BAILLIE: Yeah, one
4 comment. I think it was the only comment that I made
5 actually, it had something to do with RAB membership. And
6 I think that the way that the RAB drafted it up is to
7 include the agency representatives as the project managers
8 as RAB members. And so my suggestion was to also include
9 the project manager on the Navy side, which in this case
10 would be Gil Rivera from EFA West, since he's sort of
11 counterpart to Phillip Ramsey and the other regulatory
12 folks. So that was the only comment that I had.

13 CO-CHAIRPERSON O'CONNELL: Where was that in the
14 rules?

15 ADVISORY BOARD MEMBER RIVERA: Page 5, agency
16 members.

17 ADVISORY BOARD MEMBER BAILLIE: I don't know
18 if -- I don't know who consolidated that comment in,
19 because I just sent E-mail. I didn't modified the
20 document.

21 ADVISORY BOARD MEMBER FREITAS: Oh, yeah, you did
22 E-mail that. Did it go into the document then?

23 ADVISORY BOARD MEMBER BAILLIE: Who was doing the
24 consolidation on the document?

25 CO-CHAIRPERSON O'CONNELL: Say that again.

1 ADVISORY BOARD MEMBER BAILLIE: Who was
2 consolidating all the comments in the document?

3 CO-CHAIRPERSON O'CONNELL: Well, actually both
4 Tetra Tech and then Igor did the work.

5 ADVISORY BOARD MEMBER BAILLIE: Well, I reply to
6 all. And so I wasn't -- you know, it was unclear to me
7 who was collecting comments.

8 ADVISORY BOARD MEMBER FREITAS: I think his came
9 on an E-mail after the remarks.

10 CO-CHAIRPERSON MORLEY: Right.

11 CO-CHAIRPERSON O'CONNELL: Yeah, yeah.

12 CO-CHAIRPERSON MORLEY: So I guess we're asking
13 if that is acceptable to the RAB to add that, then we will
14 make that change.

15 CO-CHAIRPERSON O'CONNELL: Okay. And that's it.

16 CO-CHAIRPERSON MORLEY: No.

17 (Laughter.)

18 CO-CHAIRPERSON MORLEY: This is Dave.

19 CO-CHAIRPERSON O'CONNELL: Optimistic.

20 CO-CHAIRPERSON MORLEY: There really are not that
21 many.

22 ADVISORY BOARD MEMBER RAMSEY: You spent all that
23 time just talking about us agency representatives.

24 CO-CHAIRPERSON MORLEY: If anyone doesn't have a
25 hard time with that, then that takes care Dave's one

1 comment.

2 CO-CHAIRPERSON O'CONNELL: Could you just send us
3 the actual language -- the actual language, or is that the
4 language you forwarded to us?

5 ADVISORY BOARD MEMBER BAILLIE: No, I just made
6 the comment that -- we could do that or --

7 CO-CHAIRPERSON MORLEY: How about if we change
8 this to the EPA, DTSC, and Water Board may each have one
9 member, the Department of Navy may have two, the Navy
10 Co-Chair and the Navy Project Manager?

11 CO-CHAIRPERSON O'CONNELL: Well --

12 ADVISORY BOARD MEMBER TANASESCU: This is what I
13 got.

14 CO-CHAIRPERSON MORLEY: I have the older one.

15 ADVISORY BOARD MEMBER TANASESCU: This is the
16 Navy's comments right here.

17 CO-CHAIRPERSON MORLEY: Yeah, I have the older
18 one.

19 CO-CHAIRPERSON O'CONNELL: Now, my
20 understanding -- when I read these bylaws it says that the
21 Navy gets one member. But members are people who vote.
22 It also gets to appoint the co-chair -- the Navy co-chair,
23 which is a separate position.

24 ADVISORY BOARD MEMBER BAILLIE: I'm sorry. The
25 what?

1 CO-CHAIRPERSON O'CONNELL: The Navy also gets to
2 appoint a co-chair.

3 CO-CHAIRPERSON MORLEY: Okay. So they have a
4 member and a co-chair?

5 CO-CHAIRPERSON O'CONNELL: That's right.

6 ADVISORY BOARD MEMBER BAILLIE: We'll clarify
7 that, that we would appoint the project manager as a
8 member, and then the Navy co-chair would be another
9 person.

10 CO-CHAIRPERSON O'CONNELL: Well, is it necessary
11 to have a change, since we don't say that you can't
12 appoint -- or I would anticipate you would --

13 ADVISORY BOARD MEMBER BAILLIE: Well, I don't
14 know. It's not clear to me on where it says that in here,
15 I guess.

16 CO-CHAIRPERSON O'CONNELL: Well, you have a
17 member. Your co-chair is not a member. Your co-chair is
18 just a co-chair.

19 ADVISORY BOARD MEMBER BAILLIE: Well, the
20 co-chair's a member, right, just like you're a member?

21 CO-CHAIRPERSON O'CONNELL: No.

22 ADVISORY BOARD MEMBER BAILLIE: You're not a
23 member?

24 CO-CHAIRPERSON O'CONNELL: I'm a member, but the
25 co-chair isn't. Members vote. You wouldn't get two

1 votes, anymore than EPA would get two votes or Regional
2 Water Quality Control. Each agency gets a vote, right?

3 ADVISORY BOARD MEMBER BAILLIE: Well, in my mind
4 it's not really voting issue so much as I just think that
5 the project manager and the co-chair need to be recognized
6 as on the Board, you know. One vote for the Navy. That's
7 fine. I mean I don't have a problem with that.

8 ADVISORY BOARD MEMBER RAMSEY: I don't think they
9 ever vote. RPM's voting? I don't think we ever, neither
10 Navy nor agencies are --

11 CO-CHAIRPERSON O'CONNELL: Well, there are issues
12 that you guys get to vote on.

13 ADVISORY BOARD MEMBER RAMSEY: I don't think so.
14 I've never voted on RABs. We typically just don't go into
15 voting stuff.

16 CO-CHAIRPERSON MORLEY: So do want to just cross
17 this out that says, "Each agency member shall have one
18 vote," and then it does -- you have a representative and a
19 co-chair, and the voting issue's kind of taken care of?
20 Just cross that one sentence out?

21 CO-CHAIRPERSON O'CONNELL: I think there's only
22 one member from the Navy. You say that the Navy gets to
23 appoint a member. Then you go on and get the -- then in a
24 different section you say the Navy appoints co-chair. And
25 they're not necessarily the same -- could be the same

1 person, but they're not necessarily the same person.

2 ADVISORY BOARD MEMBER FREITAS: Do you know what
3 page you're referring to right now?

4 ADVISORY BOARD MEMBER BAILLIE: Oh, so the
5 co-chair and officers are on Page 9.

6 CO-CHAIRPERSON MORLEY: Okay. So that's
7 different from membership. It's just officers.

8 CO-CHAIRPERSON O'CONNELL: Yeah.

9 ADVISORY BOARD MEMBER BAILLIE: Okay. That's
10 fine then.

11 CO-CHAIRPERSON MORLEY: And then the comments
12 that I had submitted earlier and you had responded to, I'm
13 okay with your responses except for the refreshments. I
14 don't want that added.

15 CO-CHAIRPERSON O'CONNELL: Would you provide us
16 refreshments?

17 CO-CHAIRPERSON MORLEY: I will do my best.

18 CO-CHAIRPERSON O'CONNELL: Okay. That'd be nice.

19 CO-CHAIRPERSON MORLEY: Okay. Gil.

20 ADVISORY BOARD MEMBER RIVERA: Okay.

21 ADVISORY BOARD MEMBER MCGEE: Get your secretary
22 on that.

23 CO-CHAIRPERSON MORLEY: Okay. You take these all
24 three really good refreshments.

25 Just kidding.

1 ADVISORY BOARD MEMBER RIVERA: Okay. We had our
2 sidebar out in the hallway. And these are the comments
3 that Navy would like included in the bylaws.

4 Page 1, inclusion of the term "FFA, Federal
5 Facilities Agreement; CERCLA Section 120" under
6 definitions and abbreviations.

7 ADVISORY BOARD MEMBER FREITAS: Wait. Slow down
8 please. It's late. We're tired.

9 ADVISORY BOARD MEMBER RIVERA: Page 1.

10 ADVISORY BOARD MEMBER FREITAS: Say that again.

11 ADVISORY BOARD MEMBER RIVERA: FFA, Federal
12 facilities agreement; CERCLA C-E-R-C-L-A Section 120.

13 ADVISORY BOARD MEMBER FREITAS: And you said you
14 want that out?

15 ADVISORY BOARD MEMBER RIVERA: Included.

16 ADVISORY BOARD MEMBER FREITAS: Oh, included.

17 CO-CHAIRPERSON O'CONNELL: Could I ask, How much
18 would you make? How many comments are you going to make?

19 CO-CHAIRPERSON MORLEY: It's only about six.

20 ADVISORY BOARD MEMBER RIVERA: Six Or seven.

21 CO-CHAIRPERSON O'CONNELL: Should we just vote on
22 these as we go through them and then we can go back,
23 maybe?

24 CO-CHAIRPERSON MORLEY: Yeah.

25 CO-CHAIRPERSON O'CONNELL: Okay. I'd make a

1 motion that we add FFA equals Federal Facilities
2 agreement, semicolon, CERCLA Section 120. On Page 1 of 17
3 under Definitions and Bylaws.

4 Do I have a second?

5 ADVISORY BOARD MEMBER MCGEE: I'll second that.

6 CO-CHAIRPERSON O'CONNELL: All those in favor.

7 (Ayes.)

8 CO-CHAIRPERSON O'CONNELL: Opposed?

9 Okay. Got it.

10 ADVISORY BOARD MEMBER RIVERA: Okay. Next
11 comment, Page 3, subparagraph -- or Paragraph 3. Last
12 sentence of that paragraph add the words "in accordance
13 with the Federal facilities Agreement, FFA, when
14 necessary."

15 This is regarding review periods.

16 CO-CHAIRPERSON MORLEY: So basically you're
17 formalizing the request for an extension process in
18 accordance with the FFA, which is 30 days at a time?

19 ADVISORY BOARD MEMBER RIVERA: Right, extensions
20 of 30 dates at a time.

21 CO-CHAIRPERSON MORLEY: Extensions of 30 days at
22 a time. Which would be the same for the agencies and the
23 Navy. Under the FFA, if anyone wants an extension, either
24 the Navy to submit a report or the agencies to review
25 comments, you ask for extensions in 30-day blocks. And

1 that's what it's saying.

2 ADVISORY BOARD MEMBER TANASESCU: So we could ask
3 for 60 days or 90 days?

4 CO-CHAIRPERSON MORLEY: 30 days at a time.

5 ADVISORY BOARD MEMBER TANASESCU: So every 30
6 days we'd have to --

7 CO-CHAIRPERSON MORLEY: Right.

8 ADVISORY BOARD MEMBER FREITAS: No problem with
9 that.

10 CO-CHAIRPERSON MORLEY: No problem?

11 Okay. Would you like to make a motion --

12 ADVISORY BOARD MEMBER FREITAS: I make a motion
13 that we approve.

14 CO-CHAIRPERSON MORLEY: Second?

15 ADVISORY BOARD MEMBER MCGEE: I'll second that.

16 CO-CHAIRPERSON MORLEY: Sorry, Mr. O'Connell.

17 CO-CHAIRPERSON O'CONNELL: All those in favor?

18 (Ayes.)

19 CO-CHAIRPERSON O'CONNELL: Opposed?

20 Okay.

21 ADVISORY BOARD MEMBER RIVERA: Okay. Next
22 comment, Page 4. This is regarding the distribution of
23 information and access to the mailing lists. And the
24 sentence reads -- the revision to the sentence would read,
25 "as a means of distributing information and in accordance

1 with the Privacy Act."

2 ADVISORY BOARD MEMBER FREITAS: Which number are
3 you on?

4 ADVISORY BOARD MEMBER RIVERA: Number 6.

5 ADVISORY BOARD MEMBER TANASESCU: So Privacy Act,
6 not Freedom of --

7 ADVISORY BOARD MEMBER RIVERA: Right. They're
8 along parallels, so I think there should be the Privacy
9 Act.

10 CO-CHAIRPERSON O'CONNELL: Why is it -- just out
11 of curiosity. We're obviously subject to federal law.
12 Why is it necessary to introduce that phrase there?

13 ADVISORY BOARD MEMBER RIVERA: It's a requirement
14 that was mentioned by -- previously by David Cooper of
15 U.S. EPA Public Relations staff. And it's a requirement
16 that we don't release the names along with the address --
17 mailing address or telephone number and so forth for an
18 individual without their specific permission, because we
19 could be taken into court for releasing unauthorized
20 information.

21 CO-CHAIRPERSON O'CONNELL: But we're already
22 subject --

23 ADVISORY BOARD MEMBER RIVERA: They're private
24 citizens and not public figures, and we have to guard
25 their privacy.

1 CO-CHAIRPERSON O'CONNELL: But if we're already
2 subject to that statute, why do we incorporate it into the
3 bylaws? I mean there's a lot of federal statutes that
4 we're automatically subject to that aren't considered in
5 the bylaws here. Freedom of Information Act might be one
6 of them actually. But we don't need to -- I don't see the
7 purpose of this, or the need to write those into the
8 bylaws. We are just automatically subject to them.

9 ADVISORY BOARD MEMBER BAILLIE: It would seem to
10 me, if I could postulate that, I mean it adds emphasis and
11 clarity to something that's important. I mean there's
12 other references in here, you know, to other laws and so
13 on, where it's important to emphasize that requirement.

14 CO-CHAIRPERSON O'CONNELL. Well, fine.

15 If we're -- if the RAB is going to keep a mailing
16 list, then we've got -- how -- do we get to see it, do RAB
17 members get to see it, the mailing list? You know, we're
18 keeping it.

19 ADVISORY BOARD MEMBER RIVERA: I don't know that
20 the RAB actually has the mailing list. It's maintained by
21 our contractor.

22 CO-CHAIRPERSON MORLEY: No, they do. They have
23 it.

24 ADVISORY BOARD MEMBER RIVERA: Contractor has the
25 mailing list with everyone's name and personal

1 information.

2 CO-CHAIRPERSON MORLEY: All right. Well, if we
3 do have -- an agreement at this meeting that you guys
4 understand that when you ask us for things like a mailing
5 list, that we have to give you only what we can in
6 accordance with the Privacy Act?

7 CO-CHAIRPERSON O'CONNELL: I would understand
8 that, yeah.

9 ADVISORY BOARD MEMBER RIVERA: If that's
10 acceptable to the RAB and for the record, that's
11 agreeable.

12 ADVISORY BOARD MEMBER TANASESCU: I have a
13 question.

14 Is there a venue for the people who go on the
15 mailing list to say that it's okay to distribute to other
16 RAB members or so forth?

17 CO-CHAIRPERSON MORLEY: No. There is in the
18 community interview process, but not on the mailing list,
19 no.

20 ADVISORY BOARD MEMBER TANASESCU: Okay. But I
21 mean for even potential RAB members. When we were going
22 along in the initial beginning we were signing things and
23 we were putting our addresses and stuff down.

24 CO-CHAIRPERSON MORLEY: You know, I don't know.

25 ADVISORY BOARD MEMBER TANASESCU: -- for RAB

1 members that may want to contact one another, I mean is
2 there --

3 CO-CHAIRPERSON MORLEY: I think there's an
4 implicit understanding, but I don't --

5 ADVISORY BOARD MEMBER TANASESCU: Well, I don't
6 know if it's Implicit, because when we were asked for a
7 copy of it, we were told no based on this.

8 CO-CHAIRPERSON MORLEY: Oh, the mailing list.

9 ADVISORY BOARD MEMBER TANASESCU: Of the new RAB
10 members.

11 MS. CANEPA: Oh, not of any RAB members. I think
12 there was a misunderstanding.

13 ADVISORY BOARD MEMBER TANASESCU: That's what I'm
14 talking about. If there was something in writing that
15 could be checked off or signed off by the RAB members,
16 saying this is okay to do, instead of having to wait --

17 MS. CANEPA: Oh, certainly.

18 CO-CHAIRPERSON MORLEY: Yeah, because I think
19 that most of yourselves, you all agree that you need each
20 other's phone numbers and addresses in case you need to --
21 an E-mail address in case you wanted to talk to each
22 other.

23 CO-CHAIRPERSON O'CONNELL: Well, another
24 factor -- that's one issue. But the other issue is the
25 sign-in sheets back there. When people that come to

1 meetings, we've been collecting signatures and mailing
2 information. And yet those people aren't getting on the
3 list.

4 Anyway, we wanted access to that list to create a
5 list, and that's where this came up. So I'm wondering --
6 if the Privacy Act covers it, that's fine. But it would
7 seem like we should have a little check box on there, "Do
8 you object to this being disseminated to be made part of a
9 mailing list?"

10 CO-CHAIRPERSON MORLEY: Okay. And how about, as
11 long as everyone agrees that we are bound by the Privacy
12 Act, and you will look at that in the future?

13 CO-CHAIRPERSON O'CONNELL: Okay. That's good.

14 CO-CHAIRPERSON MORLEY: Gil, is that okay?

15 ADVISORY BOARD MEMBER RIVERA: That's acceptable.

16 CO-CHAIRPERSON O'CONNELL: Okay.

17 ADVISORY BOARD MEMBER RIVERA: Next item, Number
18 9 on Page 4.

19 ADVISORY BOARD MEMBER FREITAS: On Page 4?

20 ADVISORY BOARD MEMBER RIVERA: Yes, same page.

21 The statement would now read, "The Navy is the
22 final determinant on land use of an operational base, for
23 example, Naval Weapons Station Concord."

24 CO-CHAIRPERSON O'CONNELL: I --

25 ADVISORY BOARD MEMBER RIVERA: The original

1 statement read that Navy was the sole determination on the
2 land use at Naval Weapons Station Concord.

3 CO-CHAIRPERSON MORLEY: So I guess he's saying
4 that even though there's other land use planning bodies,
5 i.e., the city of Concord, the final decision is with the
6 Navy.

7 CO-CHAIRPERSON O'CONNELL: Well, I'd be concerned
8 about changing it at all if it stood in the original. And
9 I'll tell you why.

10 Because we're given that -- federal law --
11 Congress gave us the mandate to look over the use. And
12 let me just exactly what it says; that we will "provide
13 the Secretary of Defense with consultation and advice on
14 the following issues:" None of those issues is addressing
15 land use. And it goes on and qualifies that. "Related to
16 environmental restoration at installation or
17 installations." Doesn't say anything about closed,
18 mothballed, operational.

19 CO-CHAIRPERSON MORLEY: We're not saying that
20 we're going to disregard any kind of input. We're just
21 saying the final decision rests with the Navy, that you
22 are -- you know, we're leaving in everything about
23 providing consultation and advice. But the final decision
24 is -- and it really doesn't have to do with the RAB. It
25 had to do with other land use planning bodies. So what

1 we're saying --

2 CO-CHAIRPERSON O'CONNELL: The bylaws never
3 say -- the bylaws as they stood said that we will review
4 documentation related to the transfer, lease, or reuse of
5 property, as necessary, for it's input into the cleanup
6 decisionmaking process. That's all it says. It doesn't
7 say that we're the decisionmakers on the land use in an
8 operational base. And we -- obviously that's not true.
9 There's a lot of things we're not decisionmakers on.
10 We're not decisionmakers on the remediation that are
11 considered being done. So I don't see where that's
12 necessary. I think we're putting a language there that
13 makes people feel -- or people would read that and say we
14 don't have anything to do with land use.

15 CO-CHAIRPERSON MORLEY: Gil.

16 ADVISORY BOARD MEMBER BAILLIE: Gil, was this
17 originating from one of the counsel?

18 ADVISORY BOARD MEMBER RIVERA: No, it wasn't. It
19 was referring to interaction -- well, the comment was
20 based on the RAB interacting with other land use planning
21 bodies. Now, while that as a stand-alone statement is
22 acceptable, it's problematic because the Navy has the
23 final say on land use at this open base. In other words,
24 regardless of what discussions may take place with another
25 planning body, the Navy has the final say.

1 ADVISORY BOARD MEMBER BAILLIE: Unlike a
2 BRAC-type process where there is other --

3 ADVISORY BOARD MEMBER RIVERA: Yes.

4 CO-CHAIRPERSON MORLEY: Does --

5 ADVISORY BOARD MEMBER TANASESCU: But how does
6 that statement change --

7 CO-CHAIRPERSON MORLEY: Right. But the point is
8 that there's nothing in there that talks about
9 decisionmaking.

10 ADVISORY BOARD MEMBER GRIFFITH: It's
11 discussed --

12 CO-CHAIRPERSON O'CONNELL: Or even on a closed
13 base we wouldn't have -- if we were a BRAC on a closed
14 base, we don't have the final say on the disposition of
15 the land.

16 ADVISORY BOARD MEMBER FREITAS: I think 9 should
17 stay actually as it was put in --

18 ADVISORY BOARD MEMBER RIVERA: It sounds like
19 there's a consensus that this is not acceptable. There's
20 no need for a revision on Item Number 9, Page 4. So the
21 statement stands as written.

22 ADVISORY BOARD MEMBER BAILLIE: But it seemed so
23 clear in the hallway.

24 (Laughter.)

25 ADVISORY BOARD MEMBER FREITAS: So we win, right?

1 I make a motion it stays as written.

2 CO-CHAIRPERSON O'CONNELL: Well, we can --

3 ADVISORY BOARD MEMBER BAILLIE: We're saying
4 that's fine. We don't need to make a motion on it.

5 ADVISORY BOARD MEMBER FREITAS: What?

6 CO-CHAIRPERSON O'CONNELL: Let's not make any
7 motion.

8 ADVISORY BOARD MEMBER FREITAS: Don't make a
9 motion?

10 CO-CHAIRPERSON O'CONNELL: Leave it as it is.

11 ADVISORY BOARD MEMBER FREITAS: Oh, leave it.

12 Okay.

13 Sorry. Trying to speed it along.

14 ADVISORY BOARD MEMBER RIVERA: Page 5. This is
15 again agency members. And I believe we discussed that a
16 minute or two ago. This is regarding who are members --
17 who will be agency members of the RAB.

18 CO-CHAIRPERSON MORLEY: So you are the agency
19 member and I'm the co-chair?

20 ADVISORY BOARD MEMBER RIVERA: Yes.

21 CO-CHAIRPERSON MORLEY: Okay.

22 ADVISORY BOARD MEMBER RIVERA: Okay. So my
23 question to the RAB and the rest of the Navy staff, does
24 this statement stand as written?

25 ADVISORY BOARD MEMBER TANASESCU: There's

1 different people who have different versions of this, as
2 we've just found out there's two different versions up
3 here alone. Can you read what it is that we're leaving
4 in, so that everyone knows?

5 ADVISORY BOARD MEMBER RIVERA: Okay. Without
6 revision here's how it reads. This is the original
7 language. "The DON, EPA, DTSC, and Regional Water Quality
8 Board may each have one member. Other agencies may apply
9 for membership. And if approved by a two-thirds vote of
10 all voting members present at a meeting, each shall be
11 entitled to have one member."

12 The natural -- I'm sorry. Do you want me to
13 continue to read the entire --

14 ADVISORY BOARD MEMBER BAILLIE: You need to read
15 the whole paragraph?

16 ADVISORY BOARD MEMBER RIVERA: There are no other
17 changes.

18 ADVISORY BOARD MEMBER BAILLIE: A change only
19 affected the first two sentences, or a potential change.

20 ADVISORY BOARD MEMBER TANASESCU: Okay. And
21 where are the changes?

22 ADVISORY BOARD MEMBER RIVERA: That's the way it
23 was written. And then the comments were provided by --
24 per the DOD policy, "The DOD installation, state and local
25 government and EPA should be represented on the RAB.

1 Members may include the RPM from the service, state and
2 EPA as appropriate, and representatives from other local
3 agencies. Each entity should be represented by one
4 individual."

5 Per the CNO policy, "Membership of the RAB shall
6 include at least one representative of the installation
7 and cognizant EPA and appropriate state and local
8 authorities and members of the local community."

9 CO-CHAIRPERSON MORLEY: But we decided that
10 there's -- everyone is to have one member and then there's
11 two officers, right? Is that what we decided on our first
12 time?

13 CO-CHAIRPERSON O'CONNELL: I just don't see the
14 need.

15 ADVISORY BOARD MEMBER BAILLIE: I'm sorry. I
16 don't understand why we're discussing this, because we're
17 just accepting the language that the RAB proposed, aren't
18 we? So that's --

19 ADVISORY BOARD MEMBER RIVERA: It was my
20 understanding -- again --

21 ADVISORY BOARD MEMBER BAILLIE: So anything --

22 ADVISORY BOARD MEMBER TANASESCU: Well, I wasn't
23 sure what exactly was being inserted.

24 CO-CHAIRPERSON MORLEY: It was the same comments
25 before. So nothing's been --

1 CO-CHAIRPERSON O'CONNELL: So this stands as it
2 was?

3 CO-CHAIRPERSON MORLEY: Right.

4 ADVISORY BOARD MEMBER BAILLIE: Right.

5 ADVISORY BOARD MEMBER TANASESCU: Okay, sorry. I
6 misunderstood.

7 ADVISORY BOARD MEMBER RIVERA: Page 6, under
8 "Community Members," Subparagraph A. With the changes the
9 statement reads -- this is under the heading of "Community
10 Members" and the responsibilities of the community
11 members.

12 "A" reads as follows: "Regularly attending RAB
13 meetings, committee meetings, training sessions, site
14 tours and participating in reviewing the NWSSBDC cleanup
15 program."

16 CO-CHAIRPERSON MORLEY: So the change is adding
17 "site tours" and "training."

18 Is that acceptable to everybody?

19 ADVISORY BOARD MEMBER FREITAS: Yeah, no problem.

20 CO-CHAIRPERSON O'CONNELL: Okay. So I'll make a
21 motion that we add "training sessions" and "site tours" as
22 read by Gil to Item A under 4C -- that we add that to Item
23 4C, 1A.

24 Do I have a second?

25 ADVISORY BOARD MEMBER FREITAS: Second.

1 CO-CHAIRPERSON O'CONNELL: All those in favor?

2 (Ayes.)

3 CO-CHAIRPERSON O'CONNELL: Opposed?

4 Okay.

5 ADVISORY BOARD MEMBER RIVERA: Next item is Page
6 7, Roman Numeral 4E, conflict of interest.

7 The statement with the changes recommended by the
8 Navy would read as follows: "A conflict of interest shall
9 exist if an issue is brought before the RAB or any of its
10 committees or subgroups for discussion or a vote and the
11 outcome of the discussion or vote could result in
12 financial gain, either direct or indirect, to a community
13 member or any of that member's relatives, any/all
14 potentially responsible parties, or PRPs, at this site,
15 their parent companies, subsidiaries, affiliates,
16 subcontractors, contractors, current clients, or attorneys
17 and agents."

18 CO-CHAIRPERSON MORLEY: And that's mostly for the
19 litigation area sites. We're basically saying here, if
20 you work for Chevron and then you come here and say,
21 "Well, I think you should just leave those litigation area
22 sites alone," that would be a conflict of interest. So
23 it's basically PRPs in the litigation area sites and
24 people -- their attorneys.

25 ADVISORY BOARD MEMBER FREITAS: Yeah, I don't

1 have a problem with it.

2 CO-CHAIRPERSON O'CONNELL: Any discussion?

3 Okay. I'll make the motion that we add the
4 language that was just outlined by Gil. And we'll refer
5 to the transcript of the actual language.

6 ADVISORY BOARD MEMBER FREITAS: We're going to
7 get this rewritten.

8 CO-CHAIRPERSON O'CONNELL: Do I hear a second?

9 ADVISORY BOARD MEMBER MCGEE: I'll Second.

10 ADVISORY BOARD MEMBER RAMSEY: Why just --
11 there's nothing to prevent a -- you could have a
12 representative from General Chemical become a member of
13 this RAB I believe though. We've had -- Point Melani had
14 people here from Chevron who was right adjacent --

15 ADVISORY BOARD MEMBER TANASESCU: This is about
16 voting on specific issues though.

17 ADVISORY BOARD MEMBER RAMSEY: Yeah, there are
18 going to be those kind of things, right.

19 ADVISORY BOARD MEMBER TANASESCU: This isn't
20 stopping them from being a RAB member.

21 ADVISORY BOARD MEMBER RAMSEY: Yeah, right,
22 right.

23 ADVISORY BOARD MEMBER FREITAS: They can just
24 abstain from voting.

25 CO-CHAIRPERSON O'CONNELL: Do I hear a second on

1 that motion?

2 ADVISORY BOARD MEMBER MCGEE: Yeah, I second it.

3 CO-CHAIRPERSON O'CONNELL: All those in favor --
4 is there any discussion?

5 All those in favor?

6 (Ayes.)

7 CO-CHAIRPERSON O'CONNELL: Opposed?

8 ADVISORY BOARD MEMBER RIVERA: The next item is
9 on Page 9. This is --

10 ADVISORY BOARD MEMBER FREITAS: Okay. How many
11 more do you have, Gil?

12 ADVISORY BOARD MEMBER RIVERA: Not too many.
13 Actually not too many more.

14 This is one for the Navy co-chair. "The RAB
15 shall have three co-chairs: The community co-chair, the
16 alternate community co-chair, and the agency co-chair,
17 which will serve as officers."

18 So the question was, you know, can the Navy have
19 an alternate co-chair?

20 CO-CHAIRPERSON MORLEY: Please.

21 ADVISORY BOARD MEMBER RIVERA: So that is kind of
22 a toss-up question for the RAB to discuss or vote on now.
23 The Navy could have a designated alternate co-chair.

24 CO-CHAIRPERSON MORLEY: Come on, you guys. Give
25 me a break.

1 CO-CHAIRPERSON O'CONNELL: I don't see why not
2 personally.

3 ADVISORY BOARD MEMBER MCGEE: Well, let's see, if
4 she wants an alternate, then the refreshments are back in
5 on the bargaining table.

6 CO-CHAIRPERSON MORLEY: I'm not sure of the
7 quality of the refreshments.

8 CO-CHAIRPERSON O'CONNELL: We want Bon Bons.

9 ADVISORY BOARD MEMBER RAMSEY: Theresa, I think
10 you actually have an alternative co-chair already.

11 CO-CHAIRPERSON MORLEY: No, he's a member.

12 ADVISORY BOARD MEMBER RAMSEY: Well, I've seen
13 where the Navy's -- likely that would be your reasonable
14 person to step in in the event you are unable to come up.

15 ADVISORY BOARD MEMBER BAILLIE: Well, you know, I
16 would do it, or Greg Smith or someone from the station
17 who's familiar with the RAB, has been up here a few times.
18 And in this case we'd probably like to do that.

19 CO-CHAIRPERSON MORLEY: Thank you.

20 Do you have refreshments next time?

21 CO-CHAIRPERSON O'CONNELL: I make the motion that
22 we add an alternative community co-chair to the list of
23 chairs under section -- excuse me -- alternative Navy
24 co-chair under Article 5, section 5A.

25 Do I have a second?

1 ADVISORY BOARD MEMBER FREITAS: I second.

2 CO-CHAIRPERSON O'CONNELL: Any discussion?

3 All those in favor?

4 (Ayes.)

5 CO-CHAIRPERSON O'CONNELL: All those opposed?

6 Okay.

7 CO-CHAIRPERSON MORLEY: Okay. You can go now.

8 ADVISORY BOARD MEMBER FREITAS: You get two more.

9 ADVISORY BOARD MEMBER RIVERA: Page 11, Number
10 11. This is one issue we discussed a few minutes ago
11 regarding being in compliance with the Privacy Act. It is
12 something we agreed to address.

13 CO-CHAIRPERSON MORLEY: We just agreed that we
14 all understand that we're bound by the Privacy Act.

15 ADVISORY BOARD MEMBER RIVERA: So on this one
16 there's no decision point here, no change.

17 ADVISORY BOARD MEMBER FREITAS: We agreed to
18 agree.

19 ADVISORY BOARD MEMBER RIVERA: Okay. Rules on
20 voting and motions, Page 14, article 7G, Subparagraph 2.
21 The statement reads as follows:

22 "Only one vote is allowed for each member,
23 including the co-chair. A member may assign his or her
24 voting proxy on a specific agenda item by written
25 statement delivered to the community co-chair and

1 facilitator, and shall be witnessed by the Department of
2 Navy co-chair. All proxy statements shall be made a
3 permanent part of the RAB meeting minutes."

4 The changes to that statement are: "and shall be
5 witnessed by the DON co-chair and all proxy statements
6 shall be made a permanent part of the RAB meeting
7 minutes."

8 CO-CHAIRPERSON O'CONNELL: What do you mean
9 "witnessed"? You mean -- what would the Navy co-chair
10 witness? The signing of the proxy?

11 ADVISORY BOARD MEMBER RIVERA: Either by initial
12 and dating or signing.

13 CO-CHAIRPERSON O'CONNELL: It seems to me, when
14 somebody sends a proxy, they're probably not going to be
15 here. And Theresa's going to be in Seal Beach or San
16 Diego or someplace far away.

17 So could she witness a signed -- could she look
18 at a signed -- witness a signed proxy? Not the signing of
19 it, but a signed one?

20 ADVISORY BOARD MEMBER RIVERA: Absolutely. It's
21 just the Navy concurrence so that, you know, this is an
22 acceptable proxy to the entire RAB.

23 CO-CHAIRPERSON O'CONNELL: So could I ask that it
24 show "and a signed proxy shall be reviewed by the DON
25 co-chair"?

1 ADVISORY BOARD MEMBER RIVERA: Change the
2 "witnessed" to "reviewed"?

3 CO-CHAIRPERSON O'CONNELL: I don't know what --

4 ADVISORY BOARD MEMBER RIVERA: That's acceptable
5 to me. The comment was "and shall be witnessed by the DON
6 co-chair" for lack of a better term.

7 CO-CHAIRPERSON MORLEY: Mary Lou.

8 ADVISORY BOARD MEMBER WILLIAMS: How can the
9 Department of Navy co-chair, which is Theresa right now,
10 how can she witness her proxy statement if she were not to
11 be here? Then who would --

12 CO-CHAIRPERSON O'CONNELL: But she's not a
13 member.

14 ADVISORY BOARD MEMBER WILLIAMS: Isn't she a
15 member of the RAB?

16 CO-CHAIRPERSON MORLEY: I'm an officer.

17 ADVISORY BOARD MEMBER WILLIAMS: Oh, sorry.

18 I was trying to get you out of it.

19 CO-CHAIRPERSON MORLEY: That's okay. I only have
20 to review it now.

21 CO-CHAIRPERSON O'CONNELL: Could you re-read what
22 you have now, Gil?

23 ADVISORY BOARD MEMBER RIVERA: Okay. The entire
24 statement?

25 Okay. "Only one vote is allowed for each member,

1 including the co-chairs. A member may assign his or her
2 voting proxy on a specific agenda item by a written
3 statement delivered to the community co-chair or
4 facilitator, and shall be witnessed by the DON co-chair.
5 All proxy statements shall be made a permanent part of the
6 RAB meeting minutes."

7 CO-CHAIRPERSON MORLEY: But you're changing
8 "witnessed" to "reviewed," right?

9 You're changing "witnessed" to "reviewed"?

10 ADVISORY BOARD MEMBER RIVERA: If that's the
11 consensus of this board. It's not a problem.

12 CO-CHAIRPERSON O'CONNELL: So I'll make a motion
13 that we approve the changes just spoken verbally as
14 articulated by Gil.

15 Do I have a second?

16 ADVISORY BOARD MEMBER FREITAS: I second.

17 CO-CHAIRPERSON O'CONNELL: All those in favor?

18 (Ayes.)

19 CO-CHAIRPERSON O'CONNELL: Opposed?

20 Okay.

21 ADVISORY BOARD MEMBER RIVERA: Okay. Page 18,
22 under Article 10. I thought there was a comment under
23 Article 10.

24 Under Article 10, Authentication. This is a
25 comment made by legal counsel for the EFA West. The

1 comment is: "The changes in the article clarify the
2 necessity for Navy concurrence with the bylaws."

3 And the modified language reads as follows:

4 "Roman Numeral 9A, Procedure. The purpose of
5 authentication is to verify the concurrence of the
6 co-chairs with the official governing version of the
7 charter and bylaws." The language inserted there is "the
8 concurrence of the co-chairs with." And, like I say,
9 that's legal counsel for Navy making that comment.

10 CO-CHAIRPERSON O'CONNELL: Why is that -- why
11 that change?

12 ADVISORY BOARD MEMBER RIVERA: I don't know why.
13 Like I stated, I haven't spoken to the legal counsel why
14 he made the statement.

15 CO-CHAIRPERSON MORLEY: Because, you know, the
16 next sentence says, "The community co-chair and DON
17 co-chair shall sign and date the certificate set forth
18 below." Doesn't that mean that we concur?

19 ADVISORY BOARD MEMBER RIVERA: It would only be a
20 guess on my part. I'll have to ask legal counsel about
21 that. Well, that's --

22 ADVISORY BOARD MEMBER BAILLIE: The first
23 sentence says the purpose and the second sentence says
24 how. So, correct, and legal counsel perhaps is just
25 trying to clarify that the purpose should, I don't know,

1 include --

2 CO-CHAIRPERSON MORLEY: I'm not a lawyer. I like
3 it the way it stands.

4 CO-CHAIRPERSON O'CONNELL: I don't see any big
5 deal. I don't see why we're putting it in, but I don't
6 want to hold up the works here.

7 I'll make a motion that we include the language
8 as articulated by Gil in article -- in sections -- this is
9 tricky. We have paper that's -- misnumbered sections
10 here.

11 CO-CHAIRPERSON MORLEY: Just call it
12 "authentication article."

13 CO-CHAIRPERSON O'CONNELL: We're going to have to
14 change the numbers here also.

15 ADVISORY BOARD MEMBER BAILLIE: Yeah, the numbers
16 don't match the articles, do they.

17 CO-CHAIRPERSON O'CONNELL: This is actually
18 Article 10. So there's changes to be -- I'm going to make
19 a motion that we accept the changes through article 10A as
20 articulated by Gil.

21 Do I have a second?

22 ADVISORY BOARD MEMBER McGEE: Second.

23 CO-CHAIRPERSON O'CONNELL: All those in favor?

24 (Ayes.)

25 CO-CHAIRPERSON O'CONNELL: Opposed?

1 Okay.

2 ADVISORY BOARD MEMBER RIVERA: Page 19, Appendix
3 8. These are very, very easy. Item Number 3. The
4 statement reads: "As per section 34.62 of the Federal
5 Facilities Agreement," that's probably a typographical
6 error. There is no Section 34.62 in the FFA. So probably
7 just a typo. So that needs to be corrected.

8 CO-CHAIRPERSON O'CONNELL: Okay. Is the version
9 of the Federal Facilities Agreement dated December 5th the
10 latest version?

11 ADVISORY BOARD MEMBER RIVERA: I don't recall. I
12 don't have it with me. That doesn't -- December, no. It
13 was middle of the year, June, July.

14 ADVISORY BOARD MEMBER RAMSEY: Yeah, I think it
15 was. Yeah, it seems it was in fact June.

16 CO-CHAIRPERSON O'CONNELL: So we haven't seen --
17 we don't have a copy of the latest Federal Facilities
18 Agreement then?

19 ADVISORY BOARD MEMBER RAMSEY: Everyone should
20 have had it when we had the August -- back in August we
21 had that Federal Facilities meeting, August of last year.

22 CO-CHAIRPERSON O'CONNELL: But you're speaking
23 of --

24 ADVISORY BOARD MEMBER TANASESCU: Our RAB board
25 wasn't around then.

1 ADVISORY BOARD MEMBER RAMSEY: Well, the things
2 were made available to everyone. I know Marcus and
3 Evelyn -- but a public meeting that was out there, just
4 like the schedules. You have people comment. Marcus
5 commented on the FFA and Evelyn commented on the FFA. We
6 got two other parties. So --

7 CO-CHAIRPERSON MORLEY: We can send you the
8 newest --

9 ADVISORY BOARD MEMBER RAMSEY: If you need a
10 copy, we can --

11 ADVISORY BOARD MEMBER BAILLIE: -- specific
12 actions to confirm we've got the latest.

13 ADVISORY BOARD MEMBER RAMSEY: -- get it for
14 folks. It should be in the repositories also.

15 CO-CHAIRPERSON O'CONNELL: Please send us a copy.

16 I'll make a motion that we amend the section
17 number, as Gil just articulated, based on what we find out
18 when we get the Federal Facilities Agreement.

19 Do I hear a second?

20 ADVISORY BOARD MEMBER WILLIAMS: Second.

21 CO-CHAIRPERSON O'CONNELL: All those in favor?

22 (Ayes.)

23 CO-CHAIRPERSON O'CONNELL: Oppose?

24 Gil.

25 ADVISORY BOARD MEMBER RIVERA: That's fine.

1 No, one more.

2 Item Number 4. This is the last one. The
3 statement reads: "As amended by the Department of Defense
4 in its March 1998" --

5 ADVISORY BOARD MEMBER WILLIAMS: Where are you?

6 ADVISORY BOARD MEMBER FREITAS: Where are you?

7 ADVISORY BOARD MEMBER RIVERA: Item Number 4,
8 Page 19. Same page.

9 And the statement reads: "As amended by the
10 Department of Defense in it's March 1998 Management and
11 Guidance for the Defense Environmental Restoration
12 Program, the RAB is responsible for..." The March 1998
13 version has been superceded there as a more current --

14 ADVISORY BOARD MEMBER TANASESCU: What's the
15 date?

16 ADVISORY BOARD MEMBER RIVERA: I don't have a
17 date.

18 ADVISORY BOARD MEMBER TACTAY: September 2001.

19 CO-CHAIRPERSON MORLEY: February 2001?

20 ADVISORY BOARD MEMBER TACTAY: No, September
21 2001.

22 CO-CHAIRPERSON O'CONNELL: September 2001.

23 ADVISORY BOARD MEMBER RIVERA: There is a March
24 1998 version. But it's updated every year. And it's
25 fairly standard. It doesn't change a lot, but probably

1 would be more appropriate if you had the most current
2 reference.

3 And that's the extent of the Navy comments that
4 are of concern on the draft bylaws.

5 CO-CHAIRPERSON O'CONNELL: Okay. I make the
6 motion that we update Section 4 of the appendix so that it
7 includes the language taken from the DOD's Management and
8 Guidance for the Defense Environmental Restoration Program
9 dated September 2001.

10 Do I hear a second?

11 ADVISORY BOARD MEMBER WILLIAMS: Second.

12 CO-CHAIRPERSON O'CONNELL: Discussion?

13 All those in favor?

14 (Ayes.)

15 CO-CHAIRPERSON O'CONNELL: Opposed?

16 Okay. That's done.

17 ADVISORY BOARD MEMBER FREITAS: We did it.

18 CO-CHAIRPERSON O'CONNELL: I have one other
19 comment.

20 ADVISORY BOARD MEMBER GRIFFITH: We need to close
21 program on that too.

22 CO-CHAIRPERSON O'CONNELL: It's only one. And
23 that is -- it has to do with on Page 8.

24 Let's see here. I'm trying to -- it talks about
25 the community co-chair and the selection of the community

1 co-chair.

2 ADVISORY BOARD MEMBER RIVERA: Page 9 is Article
3 5, Officers.

4 CO-CHAIRPERSON O'CONNELL: Theresa, you made this
5 recommendation. I had a comment.

6 ADVISORY BOARD MEMBER BAILLIE: Nine of 5B,
7 Election of Officers, is it in that one?

8 ADVISORY BOARD MEMBER FREITAS: Is it the
9 co-chair -- what are you looking for?

10 CO-CHAIRPERSON O'CONNELL: I'm looking actually
11 at 4C -- excuse me -- 5C on my Page 9. And it says that
12 the community co-chair will serve for one year. It goes
13 on. The second sentence says, "After one year both
14 community co-chairs serve on a month-to-month basis until
15 replaced by an election that must be held if a petition
16 requesting an election is submitted by at least five
17 community members."

18 I'd like to delete that sentence entirely and add
19 this sentence, that "The election of the community
20 co-chair and the alternate co-chair shall be held at the
21 first meeting of the year, unless postponed to a date
22 certain by a majority vote of the community members."

23 CO-CHAIRPERSON MORLEY: Can we add "the first
24 meeting of the calendar year"?

25 CO-CHAIRPERSON O'CONNELL: Okay.

1 CO-CHAIRPERSON MORLEY: I agree with that.

2 CO-CHAIRPERSON O'CONNELL: Would you like me to
3 repeat that? Second --

4 ADVISORY BOARD MEMBER FREITAS: No, that's fine.

5 CO-CHAIRPERSON O'CONNELL: Well, I'll make a
6 motion to the effect that we change 5C, the language of
7 the second sentence of 5C, to that language.

8 Do I hear a second?

9 ADVISORY BOARD MEMBER FREITAS: Second.

10 CO-CHAIRPERSON O'CONNELL: All those in favor?

11 (Ayes.)

12 CO-CHAIRPERSON O'CONNELL: I make a motion that
13 we adopt these bylaws as amended.

14 ADVISORY BOARD MEMBER WILLIAMS: Second.

15 ADVISORY BOARD MEMBER FREITAS: Third.

16 CO-CHAIRPERSON O'CONNELL: All those in favor?

17 (Ayes.)

18 CO-CHAIRPERSON O'CONNELL: All opposed?

19 It's unanimous.

20 (Applause.)

21 ADVISORY BOARD MEMBER FREITAS: Make a motion to
22 adjourn?

23 ADVISORY BOARD MEMBER WILLIAMS: No, no, no.

24 CO-CHAIRPERSON MORLEY: Both -- we have the
25 agenda for the next meeting.

1 And Mary Lou, I'll get you in just a second.

2 And also to decide if we were going to have a
3 December RAB or not. I say we take the month of December
4 off and have a vacation. And we'll come back all
5 refreshed for January. And then I'll have time to earn
6 some money and save for refreshments.

7 ADVISORY BOARD MEMBER FREITAS: We'll see your
8 around the corner with a little cup.

9 ADVISORY BOARD MEMBER RAMSEY: Bake sales.

10 CO-CHAIRPERSON O'CONNELL: Well, something to add
11 to this. We have a lot of comments to -- in December.
12 And so at least the community members. I don't think we
13 need everybody. But the community members will probably
14 want to meet and discuss these at some point.

15 CO-CHAIRPERSON MORLEY: And we will be holding
16 the site tour and the training and every --

17 ADVISORY BOARD MEMBER TANASESCU: All that
18 through E-mail?

19 CO-CHAIRPERSON MORLEY: Right.

20 ADVISORY BOARD MEMBER FREITAS: In January?

21 CO-CHAIRPERSON MORLEY: No, we won't go on
22 that -- probably be before January. But we're asking to
23 not hold a December RAB meeting.

24 CO-CHAIRPERSON O'CONNELL: Well, then as
25 community co-chair I'll take responsibility for E-mailing

1 you folks as -- or maybe we should establish a date when
2 we could meet, and for a place later.

3 Could we meet on the first Monday of December, as
4 just the community without involving -- dragging everybody
5 else here? I mean any of you guys can come.

6 Would that be okay?

7 Okay. Could we get the administrative -- could
8 Navy co-chair take the administrative detail and get a
9 room for us?

10 CO-CHAIRPERSON MORLEY: Yes.

11 CO-CHAIRPERSON O'CONNELL: So we will meet on
12 that date. Is that acceptable with everybody?

13 And we'll let you know about the place. Okay?

14 CO-CHAIRPERSON MORLEY: Okay. And then for the
15 next agenda we propose some kind of training. And we can
16 work on that. This will be for January. Also we will be
17 doing -- Gil, correct me if I'm mistaking -- the tidal
18 area site presentation?

19 ADVISORY BOARD MEMBER RIVERA: Yes, if we receive
20 our budget allocation, we will be doing that presentation.

21 CO-CHAIRPERSON MORLEY: Does anyone have any
22 agenda suggestions?

23 CO-CHAIRPERSON O'CONNELL: Yeah. We need to
24 select a new community co-chair.

25 CO-CHAIRPERSON MORLEY: It being the first

1 meeting.

2 Any other agenda items?

3 ADVISORY BOARD MEMBER RAMSEY: Yeah, Theresa, I
4 was just looking through the schedule. There are two
5 things that we're going to have coming up in February. So
6 it's something you may -- and I don't know how you
7 would -- it's just to consider and figure out what would
8 be more important.

9 Two things. One is for the litigation area.
10 There is a data gap sampling -- sampling plan that will be
11 submitted in February. So I don't know if that's, you
12 know, the January or February kind of time frame, so that
13 the RAB would be briefed. And also that first second,
14 week of February would be the Site 22 RI report. So the
15 data will be completed. And that will probably be
16 submitted February for the arsenic sampling.

17 CO-CHAIRPERSON MORLEY: No, Site 22 we have
18 agreed to give special discussion outside of the RAB for
19 that site because it's a concern. So that that probably
20 won't. But if we have money, we can go ahead and try for
21 the litigation land sites.

22 ADVISORY BOARD MEMBER RAMSEY: So I didn't know
23 at that point.

24 So then for the site tour, then I guess everyone
25 on here, and Navy's -- you guys could be able to start

1 presenting the results and also as part of that.

2 Okay. That's fine.

3 MR. FREITAS: Tom Freitas.

4 The publication in the newspaper, has that been
5 resolved?

6 CO-CHAIRPERSON MORLEY: Yes, it went out
7 Wednesday. I'm sorry, because we don't have money -- I
8 normally send out to Seal Beach and Seal Beach takes care
9 of it. And when I was out sick they sent it back and said
10 they didn't have any money. So I didn't come in till
11 Monday, the day it was supposed to be in the paper. And I
12 had to send it to a contractor and have a contractor pay
13 for it. So it did go to the paper Wednesday. And I
14 apologize.

15 ADVISORY BOARD MEMBER TACTAY: It's in the --

16 CO-CHAIRPERSON MORLEY: Yeah, it was in the
17 paper. So it was a couple days late.

18 One thing I would like to do is start working on
19 the agenda a lot earlier and get that out so that we can
20 be prepared ahead of time so we're not doing everything at
21 the last minute.

22 Hopefully we'll have our money soon.

23 Okay. Does anybody have anything else?

24 Well, that was a long meeting, but it was very
25 worthwhile. I thank you all for your participation. And

1 have a very nice Thanksgiving and a very nice Christmas,
2 very nice New Years.

3 (Thereupon the Concord Naval Weapons Station
4 Naval Rab meeting concluded at 10:10 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing Concord Naval Weapons Station Naval Rab meeting
7 was reported in shorthand by me, James F. Peters, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 11th day of November, 2002.

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23 JAMES F. PETERS, CSR, RPR

24 Certified Shorthand Reporter

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